

Exhibit B

COPY OF TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

GLOBAL FREIGHT SYSTEMS)	
CO. W.L.L. GAMA)	
CENTER; and GENOA)	30(b)(6) Deposition of
PLASTIC INDUSTRIES,)	Global Freight Systems
)	through:
Plaintiffs,)	
)	<u>Anthony Dsouza</u>
vs.)	
)	
AL-MORRELL DEVELOPMENT,)	Case No. 1:14-CV-00133-TC
LLC and PAUL A. MORRELL,)	
)	Hon. Tena Campbell
Defendants.)	

September 23, 2015 * 9:00 a.m.

Location: Jones Waldo Holbrook & McDonough
170 South Main Street, Suite 1500
Salt Lake City, Utah 84111

Reporter: Diana Kent, RPR, CRR
Notary Public in and for the State of Utah

236 SOUTH 300 EAST
SALT LAKE CITY, UT 84111

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801-532-3441
FAX: 801-532-3414

INFO@CITICOURT.COM

A P P E A R A N C E S

FOR THE PLAINTIFF:

Jessica Wilde
JONES WALDO HOLBROOK & MCDONOUGH
Attorney at Law
170 South Main Street
Suite 1500
Salt Lake City, Utah 84111
Tel: (801) 521-3200
Fax: (801) 328-0537
jwilde@joneswaldo.com

FOR THE DEFENDANT:

Christian Hansen
HILLYARD ANDERSON & OLSEN
Attorney at Law
595 South Riverwoods Parkway
Suite 100
Logan, Utah 84321
Tel: (435) 752-2610
Fax: (435) 753-8895
christian@hao-law.com

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P R O C E E D I N G S

Anthony Dsouza,

called as a witness, being first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. HANSEN:

Q. Is it okay if I call you "Anthony" during
the deposition?

A. That's fine.

Q. Okay. Anthony, as you know I'm Christian
Hansen. I'm the attorney for Al-Morrell Development
and Anthony Dsouza in this litigation. And today is
the date that we have scheduled for Global Freight's
deposition. Could you just state your complete name,
please.

A. Anthony Joe Dsouza.

Q. Could you spell your last name.

A. D-S-O-U-Z-A.

Q. And have you ever had your deposition
taken before?

A. No.

Q. This is your first time?

A. First one.

1 Q. Okay. I'm sure you've gone over the
2 process a little bit with your attorney, but I'll just
3 briefly discuss maybe some ground rules. We have a
4 court reporter here who is taking down everything that
5 is being said. And it will make her job a lot easier
6 if you will allow me to complete my question before you
7 provide an answer. In turn, I'll try and do my best to
8 allow you to complete your answer before I ask another
9 question.

10 If I ask a question that you don't
11 understand, feel free to ask me to repeat the question.
12 I don't want you to try and guess at what I might be
13 asking you. So if there's anything that you don't
14 understand, do not hesitate in asking me to repeat the
15 question.

16 If at any time during the deposition you
17 need a break or you'd like to meet with Ms. Wilde, feel
18 free to let me know and we can take a break.

19 Are you under the influence of any alcohol
20 or drugs that would impair your ability to testify
21 truthfully and accurately today?

22 A. No.

23 Q. Okay. You understand that you are under
24 oath and you have a duty to tell the truth here today
25 at this deposition?

1 A. Yes, sir.

2 Q. And that if this matter was to go to
3 trial, if you were to testify at trial and your
4 testimony is different than it is at this deposition
5 today, that that could be pointed out to the court?

6 A. Yes.

7 Q. Okay. Let's mark this.

8 (EXHIBIT 22 WAS MARKED.)

9 Q. Can you take a look at that document for
10 me?

11 A. Yes.

12 Q. Have you seen that document before?

13 A. Yes, I have.

14 Q. And you understand that today you've been
15 designated as a representative for Global Freight
16 Systems to testify on its behalf?

17 A. Yes, I do.

18 Q. And on pages 2 and 3 there are a number of
19 topics that are set forth that we may cover today.
20 Have you reviewed those topics?

21 A. Yes, I have.

22 Q. And are you prepared to testify on behalf
23 of Global Freight regarding those topics today?

24 A. Yes.

25 Q. What did you do to prepare for today's

1 deposition?

2 A. I went through the topics of discussion 1
3 through 9. I reviewed the history of everything that
4 had to do with this case. It was more or less a review
5 for me, because over the past two years, as this case
6 progressed, most of the things were repetitive. But I
7 had to brush through the points to come prepared to
8 answer anything that you would like me to tell you.

9 Q. Now, did you say that you reviewed topics
10 1 through 9 in the notice?

11 A. One to 13.

12 Q. Okay. I apologize.

13 Did you meet with anyone prior to today's
14 deposition to discuss any of the topics included in the
15 Notice of Deposition?

16 A. No.

17 Q. Okay. Can you just tell me a little bit
18 about what it is that you do for Global Freight?
19 What's your position with Global Freight?

20 A. Right now I'm the head of operations for
21 Global Freight.

22 Q. And what do your responsibilities as head
23 of operations include?

24 A. As head of operations I'm in charge of
25 logistics, warehousing, and all operation related

1 matters pertaining to Global Freight Systems.

2 Q. And how long have you been employed with
3 Global Freight?

4 A. Ten and a half years.

5 Q. Has it always been in the capacity as head
6 of operations?

7 A. No. I started off as manager of
8 logistics, went on to be head of operations.

9 Q. How long were you the manager of
10 logistics?

11 A. Seven years.

12 Q. So roughly three and-a-half years ago is
13 when you took over as head of operations?

14 A. Right.

15 Q. What did you do as manager of logistics?

16 A. Manager of logistics I was focused mostly
17 on the military contracting business that we do,
18 because that's what I was hired for. Once we grew our
19 business, there was a position to head the operations,
20 which covered all operations of the business that
21 Global Freight runs, and I was selected to head that
22 position.

23 Q. What did you do for a career prior to
24 working for Global Freight?

25 A. I did a lot of things. But immediately or

1 you just want to know --

2 Q. Just immediately before.

3 A. I was working for a software company in
4 India.

5 Q. In India?

6 A. Yeah.

7 Q. What did you do at the software company?

8 A. I was the operations manager.

9 Q. Okay. And what took you from that
10 position to the position at Global Freight?

11 A. I responded to an advertisement for a
12 challenge, and that got me to Kuwait.

13 Q. You were just looking for a change?

14 A. Just looking for a change.

15 Q. Okay. Can you explain for me the types of
16 services and/or products that Global Freight provides?

17 A. Yeah. Global Freight, as the name
18 suggests, we are a freight forwarding transportation
19 company. From 2002 onwards we diversified our business
20 to get into military contracting and military
21 logistics. And that's where I was hired because of my
22 experience in operations. I joined Global Freight and
23 primarily we were doing a lot of operations with the
24 U.S. military in Iraq and Afghanistan, subsequently
25 Africa. And Global Freight was involved freight

1 forwarding. As a business, we were involved in freight
2 forwarding, military relocations, commercial
3 relocations, military supply, military construction,
4 military services. And by "military," I mean
5 subcontracting services for the Department of Defense.

6 Q. Is your work in the military limited to
7 the U.S. military or does it involve other militaries,
8 as well?

9 A. It involves the Canadian army, the
10 Australian defense forces, and also the British forces.

11 Q. And Global Freight started its military
12 work in 2002; do I understand that correctly?

13 A. Correct.

14 Q. And you talked about military relocation.
15 What types of services are involved with military
16 relocation?

17 A. We represent Allied Big Foots in Kuwait.
18 Big Foots. They are the leading removals company
19 worldwide. A U.S.-based company, and we represent them
20 in Kuwait. And through Allied we do a lot of military
21 contract removals. For example, soldiers who head back
22 after their deportation in Kuwait need their housing
23 goods packed, their personal effects packed. We move
24 it back for them in the States.

25 MS. WILDE: Anthony, speak a little

Anthony Dsouza * September 23, 2015

11

1 slower. We have a little hard time understanding just
2 some of your words.

3 Q. So then if I understand the military
4 relocation portion of your business, it involves
5 basically transporting soldiers to and from -- maybe
6 not to, but relocating them from?

7 A. No. Relocating business for the U.S.
8 military involves moving the personal effects back
9 home.

10 Q. The personal effects?

11 A. Yes.

12 Q. Such as household furnishings or something
13 like that?

14 A. Personal effects of soldiers.

15 Q. Whatever they may have there, you help
16 them get it home.

17 A. Yes.

18 Q. Okay. So explain to me a little bit about
19 the commercial relocation services that Global Freight
20 provides.

21 A. Commercial relocations is if somebody was
22 to move back, was working in Kuwait, any ex-pat,
23 whether he was American, British, Australian and he
24 decided to move back to his home country, we would
25 relocate him door to door.

1 Q. So that's basically just a moving company,
2 but on a larger scale.

3 A. On a larger scale.

4 Q. And then what are the military
5 construction services that you provide?

6 A. We constructed prefabricated housing units
7 for the military in camps in Iraq and Afghanistan.

8 Q. And then you also mentioned freight
9 forwarding.

10 A. I mentioned freight forwarding. It's
11 clearing and delivery of military cargo coming into
12 Kuwait, and delivering to the bases in Iraq and
13 Afghanistan and Kuwait.

14 Q. Which category of the services were the
15 services that Global Freight provided that Al-Morrell
16 Development fall into?

17 A. It would be a mix of freight forwarding
18 and the military logistics transportation.

19 Q. Okay.

20 A. It's a combination of the two.

21 Q. How long has Global Freight been in
22 business?

23 A. We were incorporated in August '97.

24 Q. In 1997. And what did the business focus
25 on from '97 to 2002, then, if the military component

1 wasn't there?

2 A. Freight forwarding and relocations.

3 Q. Okay. When did the relationship between
4 Global Freight and Al-Morrell Development begin?

5 A. It began early January 2011.

6 Q. Okay. And how did that relationship come
7 about?

8 A. The then logistic manager was a gentleman
9 by the name of Tom Owen.

10 MS. WILDE: How do you spell that?

11 THE WITNESS: O-W-E-N.

12 Q. Owen. Okay. He was the logistics manager
13 for Al-Morrell Development?

14 A. In Kuwait.

15 Q. Okay. So did he contact Global Freight
16 seeking services?

17 A. Yeah. He was looking for vendors. He
18 already had an existing contract. He wanted to change
19 it. He was looking, so he contacted me.

20 Q. Do you know who the existing contract was
21 with?

22 A. A company called Pima.

23 Q. Pima?

24 A. Yeah.

25 Q. Do you know why they were looking to

1 change that contract?

2 A. I'm not sure.

3 Q. Okay. When you were contacted -- did
4 Mr. Owen -- who did he contact at Global Freight?

5 A. He contacted me.

6 Q. Okay. And when Mr. Owen contacted you
7 specifically, what types of services was he looking for
8 Global Freight to provide?

9 A. He was looking for a warehouse, he was
10 looking for a company with trucks, and he was looking
11 for a company that could deliver, clear his cargo,
12 import important clearance into Kuwait, store his
13 cargo, and distribute it into all the camps in Iraq.

14 Q. Okay. So just so I can understand this
15 process, I assume that it starts with clearing the
16 cargo --

17 A. Right.

18 Q. -- through customs? Or is that how it
19 would work? Stuff would be shipped? Where would it be
20 shipped? When Al-Morrell Development had a shipment of
21 cargo arrive, where would it be shipped to?

22 A. To my warehouse.

23 Q. And where is your warehouse located?

24 A. In Kuwait.

25 Q. And when you say your warehouse, you mean

1 Global Freight's warehouse, correct?

2 A. Correct.

3 Q. And so it would be shipped to a warehouse
4 in Kuwait. And then what would Global Freight do with
5 the cargo that was sent to Al-Morrell Development?

6 A. We would stock it and get it into the
7 inventory list and hold it until Al-Morrell gave us
8 instructions to ship it out.

9 Q. And then when you received instructions to
10 ship it out, you would provide the trucking services to
11 take it wherever it needed to go.

12 A. Mostly to Iraq.

13 Q. Okay. To one location in Iraq, or various
14 locations?

15 A. Multiple locations.

16 Q. Okay. And is that -- so those are the
17 types of services that Mr. Owen requested from Global
18 Freight, correct?

19 A. Correct.

20 Q. And that was at the inception of the
21 relationship. Did the type of services Global Freight
22 provided to Al-Morrell Development change at any time
23 after January of 2011?

24 A. Not really.

25 Q. Okay. When the relationship between

1 Al-Morrell Development and Global Freight started, was
2 there a contract entered into at that time?

3 A. Can you repeat the question?

4 Q. Yeah. So in January 2011 when the
5 relationship started between Al-Morrell Development and
6 Global Freight, was there a written agreement signed
7 memorializing the terms of the relationship?

8 MS. WILDE: Objection. Assumes facts.

9 I just want to make sure, has he said that
10 it was January 2011 the relationship started?

11 MR. HANSEN: I thought so, but I can
12 clarify. I'll clarify that.

13 MS. WILDE: Okay. I just don't know if he
14 said that.

15 MR. HANSEN: That's fair enough.

16 Q. (By Mr. Hansen) Approximately when did
17 the relationship between Global Freight and Al-Morrell
18 Development begin?

19 A. The contract was signed in June of 2011.

20 Q. So that was the first time there was a
21 contract entered into?

22 A. Right.

23 Q. Now, when did the relationship actually
24 start? When did Global Freight start providing
25 services to Al-Morrell Development?

1 A. Between January and June several of the
2 Al-Morrell executives, right from the vice-president to
3 the directors, visited our facilities. There were
4 several quotations sent to and fro. Al-Morrell wanted
5 to test us on services. We did what they called dry
6 runs. The dry runs were held, not too many, probably
7 four to five dry runs held between March and June
8 before we formally signed a contract.

9 Q. Okay.

10 A. Al-Morrell insisted that they wanted to
11 see what we could do before they could sign a contract.
12 And we agreed that we would do a few dry runs.

13 Q. So between January and June of 2011 is
14 when the executives came and visited with Global
15 Freight and the dry runs occurred, correct?

16 A. Correct.

17 Q. Do you recall the executives from
18 Al-Morrell Development that came and visited Global
19 Freight?

20 A. Tom Owen was one of them. He was followed
21 by his boss which, was Dan Hobson. He was director of
22 supply chain for Al-Morrell. Final visit was by a
23 vice-president Alan Slighting.

24 Q. And did they come in three different
25 visits or did they all come together?

1 A. No. They came in three to four different
2 visits.

3 Q. Okay. And when dry runs took place did it
4 actually involve Global Freight delivering supplies in
5 Iraq, or how did the dry runs work?

6 A. Dry runs, they were realtime runs. We
7 loaded actual cargo, we were timed. They wanted to
8 know with delivery commitments that we promised them,
9 if that could be met.

10 Q. And was Al-Morrell Development invoiced
11 for those dry runs?

12 A. Yes, they were.

13 Q. Okay. And I think you might have told me
14 about how many dry runs were done.

15 A. Maybe five to six missions.

16 Q. Okay. And then it was after the dry runs
17 that the contract was entered into in 2011? In July
18 2011?

19 A. June 2011.

20 Q. Okay. So you stated before that the types
21 of services that Global Freight provides to Al-Morrell
22 Development fall into the freight forwarding category
23 or the military logistics, transportation category.

24 A. Right.

25 Q. How many other customers, aside from

1 Al-Morrell Development, does Global Freight have that
2 fit into those categories?

3 A. Could you repeat the question, please?

4 Q. Yeah. I guess what I'm looking for is how
5 many customers Global Freight provides services to that
6 fall into the freight forwarding and military logistics
7 categories of services.

8 A. Number-wise, it would be difficult to tell
9 you. But if you want to know the immediate customers,
10 I can tell you. It involved the U.S. military
11 directly, the U.S. Embassy in Kuwait and Iraq, the
12 prime vendors such as KBR, Dyneco, the British
13 services, and a host of others.

14 Q. Okay. So can you explain to me how
15 Al-Morrell Development ordered the services through
16 Global Freight?

17 A. They were pretty organized. The war was
18 realtime. We were handling a very critical segment for
19 Al-Morrell. What they would do is they had something
20 called a convoy status, convoy log sheet.

21 Q. A convoy log sheet?

22 A. Yes.

23 Q. So what would happen is from time to time
24 they would send e-mails and telephone calls that they
25 needed five trucks to go, for example for VBC, Victory

1 Base Camp, to give you an example. I would get a
2 telephone call saying to load up five trucks with
3 resins and body caps or lumber or crates to ship to
4 VBC. So that was just like a pre-alert for me to get
5 ready with the resources to load the cargo.

6 Once that was done, it was followed up by
7 a convoy update report send by Al-Morrell staff, the
8 logistics personnel in Kuwait. That sheet was being
9 tracked universally by all involved in Al-Morrell
10 Development all across Iraq, in Utah, and in Kuwait,
11 the convoy log sheet, and would then be circulated to
12 everybody. It would be updated on a daily basis,
13 giving tracking status of where it was.

14 So for example, the e-mail came in the
15 morning that five trucks needed to be loaded. By
16 afternoon a convoy status log sheet would be sent to
17 everybody. I would update it, send it back to
18 Al-Morrell. Al-Morrell would then publish it
19 universally for everybody to know where this was
20 coming. I think the reason they did that was so that
21 at the back end they had an order to get 10,000 bottles
22 of water ready, everybody wanted to know when the
23 material would reach to get this done.

24 Q. So was the nature of the cargo that was
25 transported all related to the water bottling business

1 of Al-Morrell Development?

2 A. Only the water bottling business.

3 Q. And all services provided by Global
4 Freight to Al-Morrell Development were limited to the
5 water bottling service?

6 A. Yes. Only the water bottling service.

7 Q. And was the only method that orders were
8 placed were via e-mail and telephone calls, then?

9 A. Yes.

10 Q. And was there one set person from
11 Al-Morrell Development that would place those orders,
12 or was it several different people from Al-Morrell
13 Development that placed those orders?

14 A. It was one or two set people.

15 Q. Who were those people that placed the
16 orders?

17 A. They changed from time to time. But if I
18 remember, it started off with Tom Owen, James Morris,
19 Johnny Nahas, N-A-H-A-S, Anthony Yob.

20 Q. Do you know how to spell the last name?

21 A. Y-O-B. And Ibrahim Najjar.

22 Q. And to the best of your recollection, are
23 these the only people that you received orders from
24 Al-Morrell Development from?

25 A. Dan Hobson. I will add here that while we

1 provided a warehouse to Al-Morrell, we also leased them
2 an office inside our warehouse. So their staff would
3 actually come to work and work from our warehouse. So
4 if not a telephone or e-mail, like during the wartime
5 scenario, if they had an emergency loading to do, they
6 would just walk up to -- we are in the same office and
7 they would walk up to the Global Freight supervisor and
8 say, "Load this."

9 Q. Okay. So was the Al-Morrell Development
10 warehouse that they used with their office, it was on
11 site at Global Freight?

12 A. It's the other way around. The Global
13 Freight warehouse, we have office complexes or office
14 rooms in our warehouse; we leased an office to
15 Al-Morrell to run the operations from there.

16 Q. Okay. And that was on site at Global
17 Freight?

18 A. Yes.

19 Q. Okay. So they could interact with you
20 face-to-face as needed?

21 A. Yes. For example, during the war if they
22 got a call saying that they needed lumber, they would
23 just walk by and say, "Hey, guys, load this truck. It
24 has to go tomorrow morning." They e-mail all the
25 convoy status.

1 Q. Just so I'm clear, the only individuals
2 that Global Freight received orders from, from
3 Al-Morrell Development, were Tom Owen, James Morris,
4 Johnny Nahas, Anthony Yob, Ibrahim Najjar, and Dan
5 Hobson?

6 A. Correct.

7 Q. Who received those orders on the Global
8 Freight end?

9 A. I did.

10 Q. And were you the only one that received
11 those orders?

12 A. Yes.

13 Q. And was that in your capacity as --

14 A. Manager of logistics.

15 Q. Manager of logistics. Okay. And during
16 the whole time that Global Freight provided services to
17 Al-Morrell Development, you were manager of logistics?

18 A. Correct.

19 Q. It was after the end of the relationship
20 that you moved to head of operations.

21 A. Correct.

22 Q. Is there anyone else at Global Freight
23 that ever could have received any of these orders or
24 that would have received these orders?

25 A. No. If anybody else received, I was

1 copied on the e-mail. But I think I was the only point
2 of contact.

3 Q. Okay. So once the order was received and
4 the service provided, there was then a bill sent to
5 Al-Morrell Development for the service provided?

6 A. Yeah. Like I explained to you earlier,
7 there was a convoy status report that was maintained on
8 a daily basis by Al-Morrell. And this basically --
9 what I would do is at the end of each month, based on
10 the actual movement for that month, it would involve
11 various segments. It would involve warehousing,
12 trucking, clearing, forwarding. I would prepare a log
13 sheet and I would call it an invoice log sheet. I
14 would send it to the local representative, Dan Hobson,
15 since he was the senior most, and his staff. They
16 would have it checked up and then they would send it
17 for clearance.

18 Once that was approved, they would come
19 back to me and say that, okay, the log sheet is
20 approved. They would wait for a couple of days, get
21 purchase order numbers against that service that was
22 provided. And I would raise an invoice and reference
23 those purchase order numbers for the internal process
24 to get paid.

25 Q. Okay. So the purchase orders that were

1 prepared by Al-Morrell Development would be based on
2 the log sheet that came from the convoy log?

3 A. Right.

4 Q. That's how that worked?

5 A. I don't know what they did on their side.
6 I just know what I did.

7 Q. Okay.

8 A. I sent them a log sheet. They verified
9 the log sheet. Once that was done, they would ask me
10 to go ahead and invoice them and they would give me
11 purchase order numbers to put on my invoice for that to
12 be processed in Utah.

13 Q. Okay. All right. When the cargo was
14 received by Global Freight, Al-Morrell Development
15 cargo was received by Global Freight, how did that
16 work?

17 A. I'm not sure I understand what you're
18 asking.

19 Q. So I'm assuming that this cargo that was
20 delivered was -- it sounds like that's sent from
21 somewhere to this warehouse, Global Freight's
22 warehouse. And Global Freight warehouses the cargo for
23 Al-Morrell Development; is that correct?

24 A. Right.

25 Q. Did that just show up and Global Freight

1 would store it in the warehouse, or did it require some
2 communication between Al-Morrell Development and Global
3 Freight to coordinate the receipt and storing of that
4 cargo that was sent?

5 A. We would get a pre-alert, ten containers
6 in the port waiting for clearance, and we needed
7 manpower and resources to get that into the warehouse.

8 Q. Okay. So it would usually come via ship on
9 a container, and Global Freight would go down and
10 retrieve it from the dock and bring it to the
11 warehouse?

12 A. We had -- put it this way: We had no idea
13 how much was coming, when it was coming. It was 24
14 hours notice. We didn't know where it was coming from,
15 either, or what was coming. My job was just -- the
16 contract was that once it would get to the Kuwait port,
17 it would clear it and would come to my warehouse.

18 Q. Okay. When did the relationship between
19 Global Freight and Al-Morrell Development end?

20 MS. WILDE: Objection. Vague.

21 Q. Okay. You can still answer.

22 A. Can you repeat it?

23 Q. Yeah. When did the relationship between
24 Global Freight and Al-Morrell Development end?

25 MS. WILDE: Same objection.

1 A. I'm not sure I understand the question.

2 Q. So Global Freight started providing
3 services to Al-Morrell Development I guess formally
4 pursuant to the contract in June of 2011 is your
5 testimony so far.

6 A. Correct.

7 Q. When did Global Freight stop providing
8 those services to Al-Morrell Development?

9 A. Probably end of April sometime. March,
10 April.

11 Q. Of what year?

12 A. 2012.

13 Q. And why -- what led to the end of Global
14 Freight providing those services to Al-Morrell
15 Development?

16 A. We were not getting paid. After repeated
17 requests, we were not getting paid. So we didn't cease
18 services but I don't think requests were coming forward
19 for services, either.

20 Q. So Global Freight stopped receiving
21 requests when?

22 A. Probably after April 2012.

23 Q. Okay. Are you familiar with an entity by
24 the name of Bright Pearl?

25 A. Now I am.

1 Q. You are now? How did you become familiar
2 with the entity Bright Pearl?

3 A. Between April and, say, July, after
4 various requests at all levels requesting for payment,
5 we -- I was in Africa. I got a call from the local
6 manager then, Ibrahim, saying that he wanted to meet up
7 with me. This was the end of July.

8 Q. Can I stop you for one second? April and
9 July, you're talking 2012, correct?

10 A. Right.

11 Q. That's the time period. Ibrahim, was he
12 working for Al-Morrell Development at the time?

13 A. Yes, he was.

14 Q. Okay. And so he contacted you.

15 A. Yes.

16 Q. And do you know specifically when he would
17 have contacted you?

18 A. The 30th of July.

19 Q. Okay.

20 A. He tried to contact me. I was in Africa
21 so I sent him an e-mail that I'm going to be back in a
22 couple days and I would meet him when I got back to
23 Kuwait, so 31st of July.

24 Q. Okay. And you ultimately met with him?

25 A. I did meet with him.

1 Q. And why did he want to meet with you?

2 A. He wanted to revive or start using our
3 services again.

4 Q. Okay. And when you met, what was the
5 nature of that conversation about? I mean, what did he
6 say?

7 A. He said that, "We are working to get you
8 paid. Al-Morrell is working to get you paid. Right
9 now we could still do business together." He wanted me
10 to write an e-mail to I think one of his seniors. I
11 think Dan Hobson had left the company by that point in
12 time. And there was a gentleman by the name of Paul
13 Nelson who was heading the Iraq and Kuwait operations.

14 I wrote an e-mail to Paul Nelson, and Paul
15 Nelson -- and my terms were yes, we would continue to
16 support giving them services on the requirement that
17 they paid us in advance, because they had outstanding
18 dues.

19 Paul Nelson replied to me on an e-mail and
20 he very specifically mentioned that I should consign
21 the shipment to Bright Pearl, and that's the first time
22 I got to know Bright Pearl. That's to answer your
23 primary question. That's the first time I got to know
24 what Bright Pearl was. But the instruction was simple.
25 He just said that we continue to do business. I will

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1 make sure or, if you want -- can I look for something?

2 Q. Sure. Yeah.

3 A. I will tell you what exactly Paul Nelson
4 said to me.

5 Can I just read this out?

6 Q. Can I ask you a couple questions before
7 you do? Have you previously produced those documents
8 to your attorney?

9 A. A whole set of documents. Maybe some she
10 has. I'm not sure. Maybe she has. I'm not sure about
11 that.

12 Q. I guess I'd just request that we get
13 copies. To the extent they haven't been produced, if
14 you could just provide us copies.

15 MS. WILDE: And I anticipated you would
16 ask, so I actually have a binder for you.

17 MR. HANSEN: Great. Thanks. One step
18 ahead.

19 A. I wrote this e-mail on August 10th to Paul
20 Nelson, copied it to Ibrahim, Alan Morrell, Corey
21 Larson, and Andrew Saunders. Those were the people at
22 that time at Al-Morrell. I wrote that we were willing
23 to cooperate and support your logistics requirement.
24 Okay? And invoice in the name of Bright Pearl. I also
25 explained to him that our existing contract expired on

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1 15 July, 2012.

2 And AMD, AMD has materials still stored in
3 our warehouse which was incurring a monthly rental fee.
4 You could read the rest later.

5 And then, "Finally, based on a telephone
6 conversation with you and Ibrahim we have been told AMD
7 has sorted out the issues in Iraq and our long
8 outstanding payments will be cleared."

9 To this e-mail, Paul Nelson's reply says,
10 "Thanks Anthony. He is asking Ibrahim a few things.
11 And then he says, "Anthony, anything related to Bright
12 Pearl, we need to receive a pro forma invoice in
13 advance to include banking details, submit it to
14 Ibrahim."

15 And then he writes, "Correct, we are still
16 working on the finer details with our Iraqi partner so
17 Al-Morrell can pay all creditors, but at present we do
18 not have a date. Please continue to follow up so we
19 can give you current information."

20 Q. Can I look at that just real quick?

21 A. Sure.

22 Q. Thank you.

23 (Discussion off the record.)

24 (EXHIBIT 23 WAS MARKED.)

25 Q. I'm going to show you what's been marked

1 as Exhibit 23. You were previously discussing an
2 e-mail correspondence between you and Mr. Nelson, Paul
3 Nelson.

4 A. Right.

5 Q. And is Exhibit 23 the e-mail correspondence
6 you were referencing in your testimony?

7 A. Yes.

8 Q. And it was in this e-mail correspondence
9 that you first learned of Bright Pearl?

10 A. Correct.

11 Q. Okay. Can I see that for just a second?

12 A. Sure.

13 Q. And so by virtue of this e-mail
14 correspondence, did this start a relationship between
15 Global Freight and Bright Pearl?

16 A. No.

17 Q. Did Global Freight ever provide services
18 to Bright Pearl?

19 A. To answer your question, the way we
20 understood it was that Al-Morrell was making bottles of
21 water for the U.S. military. Okay? The bottles of
22 water were exactly like this glass, okay? They would
23 be sealed, with no label.

24 Bright Pearl was a brand with a sticker
25 that came on the bottle. That was in August of 2012.

1 To my understanding it was Al-Morrell selling a product
2 called Bright Pearl.

3 Q. Okay. And what was your basis for that
4 understanding?

5 A. My limited knowledge that it was a sticker
6 which I saw and which would be wrapped around the
7 bottle.

8 Q. But in your e-mail to Mr. Nelson dated
9 August 10, you say, "We can work on sending you an
10 invoice in the name of Bright Pearl for Purifying &
11 Bottling Water, Limited." So did you wonder why they
12 wanted to change the name of the invoice?

13 A. See, my job was to continue to give them
14 services, not to question how they operated in Iraq.

15 Q. Okay.

16 A. So legally, in August 2012, if you go to
17 the e-mail, with the U.S. military not being there the
18 shipment would now go to a commercial route. It would
19 go as commercial cargo into Iraq, which would include
20 customs and all the other processes involved when you
21 move in the country.

22 Q. So because the U.S. military had withdrawn
23 from Iraq, you are no longer working under the military
24 category.

25 A. Right.

1 Q. You have now moved to the commercial
2 category.

3 A. I assumed Al-Morrell moved to the
4 commercial category.

5 Q. Okay. Did you ever ask anyone at
6 Al-Morrell Development or Bright Pearl why; what was
7 going on, why there was a change in the name?

8 A. No, I didn't ask about that.

9 Q. You reference in this e-mail that there
10 were existing materials in a warehouse.

11 A. Right.

12 Q. Whatever happened to those materials that
13 were in the warehouse after this e-mail?

14 A. We shipped them subsequently.

15 Q. Shipped them where?

16 A. To Al-Morrell.

17 Q. For use in the bottled water manufacturing?

18 A. Yes.

19 Q. You ask in this e-mail, it then says,
20 "Further additional material in the form of labels and
21 glue which is scheduled to arrive will also incur
22 storage charges. Please let me know how you want this
23 billed and how you intend to renew the service
24 agreement post 15 July '12." How was Global Freight
25 told that this was to be billed?

1 A. I don't understand.

2 Q. So in this e-mail you ask how they would
3 like the additional material in the form of labels and
4 glue which is scheduled to arrive and incur storage
5 charges, you asked them how they would like those
6 storage charges billed. What was the response to your
7 question on how they want the storage charges billed?

8 MS. WILDE: Can I look at it?

9 MR. HANSEN: Yeah. Sorry. I'm talking
10 about the last sentence right here where it starts
11 "further," to the end of the paragraph there.

12 THE WITNESS: Okay.

13 While we were following up for a payment,
14 you see there was cargo which mentions approximately
15 \$550. There was a few pallets, not containers, that
16 was there. Between March and July everything kept
17 getting downsized.

18 Now, since this was still in our warehouse
19 and it was incurring a storage of \$550, which we needed
20 to get paid for. So that's the reason I'm asking the
21 question to Paul Nelson is, "You must be aware that
22 there is cargo in our warehouse and it is incurring
23 storage of \$550 a month." And if Al-Morrell had not
24 paid on previous invoices my question is how does
25 Al-Morrell want to pay the current invoices and the

1 other material that is going to be coming?

2 Q. What response did you receive from
3 Mr. Nelson?

4 A. So that's when he says -- he then asked
5 his own staff, Ibrahim. He said, "What raw materials
6 are in the warehouse and what do you recommend we do
7 with them? When is the next invoice for warehouse
8 storage and when did Bright Pearl start storing these?"
9 This is an internal e-mail which he sends to Ibrahim,
10 which I don't understand.

11 But Ibrahim replies to Paul Nelson and
12 says, "We have 1350 boxes and closure 1 pallet of boxes
13 from Genoa that need to be shipped to Iraq. Total of
14 two truck loads. So far nothing at GFS storage belongs
15 to Bright Pearl." Okay? This is Ibrahim writing. "So
16 far nothing at GFS storage belongs to Bright Pearl as
17 whatever is coming from glue or label, once it is
18 cleared, will be delivered to GFS warehouse, where it
19 will be consolidated in one shipment and then moved to
20 Baghdad."

21 Q. Okay. But you stated in your e-mail that
22 you can work on sending an invoice in the name of
23 Bright Pearl.

24 A. Right.

25 Q. And after the date of this e-mail, were

1 there invoices sent --

2 A. Yes.

3 Q. -- in the name of Bright Pearl?

4 A. Yes.

5 Q. And were there subsequent services
6 provided by Global Freight to Bright Pearl after the
7 date of this e-mail?

8 A. Yes, there were.

9 Q. Okay. Does Global Freight continue to
10 provide services to Bright Pearl today?

11 A. No. Between August and September was the
12 only period that we -- we still assumed, not assumed,
13 we knew for a fact that we were still working for
14 Al-Morrell. And one of the reasons we decided to lend
15 support was that we -- if you see Paul Nelson himself
16 writes an e-mail where he says, "I'm working to get you
17 paid." So we trusted Paul Nelson's word that he would
18 work to get us paid. And he said that any service that
19 we do for Bright Pearl between now and, we did it in
20 August, we would get paid. But when we didn't get paid
21 and we started the litigation process, probably in
22 October, November, then we ceased all services even for
23 Bright Pearl.

24 Q. So you said that you knew during August
25 and September you were working for AMD?

1 A. Yes. Because the staff in Kuwait was --
2 he kept telling me that he was still on the AMD
3 payroll.

4 Q. What staff in Kuwait was telling you that?

5 A. Ibrahim Najjar.

6 Q. Is he the only one that was telling you
7 that?

8 A. He was the only one at that time. Most of
9 them had left because the operations had downsized to a
10 great extent.

11 Q. When you say the operations were downsized
12 to a great extent, what do you mean by that? What was
13 happening that led you to believe the operations were
14 downsized to a great extent?

15 A. Because Ibrahim was the only person in
16 Kuwait working for Al-Morrell at that time.

17 Q. So did you notice a change in the people
18 you were working with over that period of time then?

19 A. Ibrahim was there right from day one of
20 the start of the contract. He was with Al-Morrell for
21 maybe five, six plus years. So when Tom Owen was
22 involved, he was involved at that stage. So for me, he
23 was still the face of Al-Morrell in Kuwait.

24 Q. Did you ever ask Ibrahim why those other
25 people were no longer working with him?

1 A. It was not my business to ask him.

2 Q. Okay. Earlier you said that in your
3 conversation with Paul Nelson that he said something to
4 the effect or something about consigning a shipment to
5 Bright Pearl.

6 A. Right.

7 Q. Were you talking about what is stated in
8 this e-mail?

9 A. Yes.

10 Q. And his request to be invoiced or for you
11 to issue invoices in the name of Bright Pearl.

12 A. Yes.

13 Q. Okay. Were the services that Global
14 Freight provided to Bright Pearl, were they the same as
15 the services that were provided to Al-Morrell
16 Development?

17 A. Yes. Same.

18 Q. Did Global Freight ever approach Bright
19 Pearl about the payment of the outstanding invoices
20 from Al-Morrell Development between January 2015 and
21 July 2015 -- strike that. That's a bad question.

22 So as part of this lawsuit, Global Freight
23 is seeking payment from outstanding invoices from
24 January 2012 to July 2012, correct?

25 A. No. From October 2011 to April or March

1 of 2012.

2 Q. Okay. So I'm talking about just the
3 invoices in 2012 that Global Freight is seeking to
4 collect.

5 A. We are seeking to collect invoices from
6 October 2011 to March 2012.

7 Q. I understand. But my question, though,
8 just deals with the outstanding invoices for 2012.

9 A. Right.

10 Q. And the question is this: Did Global
11 Freight ever contact Bright Pearl to inquire about
12 payment of those 2012 outstanding invoices?

13 A. Somewhere between -- if I get the date
14 right. Somewhere between -- yes, between April and
15 July we finally got an e-mail towards the end of July
16 from the staff accountant, Corey Larson, in Utah. He
17 put his hands up basically and he said, "Listen, guys."
18 Because until that time he kept promising that
19 something would happen. He said in several e-mails, he
20 either told me to follow up or he said just hold on,
21 and weeks became months.

22 Subsequently, it was the end of July he
23 basically gave up and he gave me three contacts. One
24 was Alan Morrell, Paul Nelson, and another gentleman I
25 don't remember. He said, "Go to these guys for your

1 payment and they will help you."

2 At that point in time we started e-mails
3 and telephone calls to Alan Morrell. In between, I was
4 put on a different project in Africa. So one of our
5 deputy general managers by the name of Mohan wrote an
6 e-mail to Alan. And by that time he initiated a lot of
7 correspondence with the U.S. Embassy with D.C. in
8 Kuwait and other authorities to try to pursue payment.
9 Very specifically Alan Morrell replies to the e-mail
10 and he said that he would -- that he is not responsible
11 to pay us and we should contact Anthony Dsouza for our
12 money.

13 Here. The document speaks for itself.

14 Q. Can we mark this one?

15 MS. WILDE: Yeah. Let me find it.

16 MR. HANSEN: I have seen most of this.
17 It's just this e-mail up here that I don't think I have
18 seen before that he has highlighted there.

19 (Discussion off the record.)

20 (EXHIBIT 24 WAS MARKED.)

21 Q. I'm going to -- on this e-mail that's
22 dated November 12, 2012 between Alan Morrell, it looks
23 like it is sent to Mohan.

24 A. Right.

25 Q. And there's several other individuals that

1 are copied, including yourself --

2 A. Right.

3 Q. -- on this e-mail.

4 A. Yes.

5 Q. And in the e-mail Alan suggests to Mohan,
6 in the third paragraph down it said, "I would recommend
7 you continue to work with Mr. Anthony Dsouza and with
8 Bright Pearl."

9 A. Right.

10 Q. So when the recommendation was to work
11 with Bright Pearl on that, did you ever contact Bright
12 Pearl about any of the invoices that were owed for
13 2012?

14 A. No. For us, Alan Morrell was the face of
15 whom we had to talk to. We were not given any contacts
16 of Bright Pearl.

17 Q. So when they said -- you are seeking
18 payment with these e-mails, correct?

19 A. Right.

20 Q. And Alan offers a solution of meeting with
21 Mr. Anthony Dsouza or Bright Pearl. You are saying you
22 didn't know anything about Bright Pearl?

23 A. No.

24 Q. If Bright Pearl -- if they are suggesting
25 that you follow up with Bright Pearl for payment, you

1 didn't bother to try to get contact information for
2 Bright Pearl at that time?

3 A. See, we didn't know what he actually meant
4 by Bright Pearl. For us, Bright Pearl was an
5 Al-Morrell brand of bottled water. So for all we knew
6 was that if anybody was to pay us, for us Al-Morrell
7 and Bright Pearl were the same company.

8 Q. Okay.

9 A. We didn't look at it as different
10 companies.

11 Q. Okay.

12 (EXHIBIT 25 WAS MARKED.)

13 Q. Can you take a minute and look at the
14 document that's been marked Exhibit 25.

15 A. Yes.

16 Q. Can you tell me -- I may not pronounce
17 this name correctly, but can you tell me who Mr. Selah
18 is to whom this e-mail is directed?

19 A. I think he was probably one of the
20 operations guys working who would normally coordinate
21 for trucks through Ibrahim.

22 Q. Okay.

23 A. He was the guy that was probably receiving
24 it in Iraq.

25 Q. Okay. And this e-mail indicates that you

1 had been working or dealing with Mr. Selah for
2 Mr. Saleh's logistics requirements?

3 MS. WILDE: Objection. Foundation.

4 A. I didn't understand your question.

5 Q. Okay. In the first line of the e-mail
6 there it says, if I read the first part of the e-mail,
7 it says, "Dear Mr. Selah, you have currently been
8 dealing with my colleague Anthony Dsouza for your
9 logistics requirements."

10 A. Yes.

11 Q. Do you recall working with Mr. Selah?

12 A. Ibrahim Najjar was the representative in
13 Kuwait, and we needed a point of contact in Baghdad to
14 receive the trucks. So on the few occasions we worked,
15 he was probably the person who received the trucks.

16 Q. Okay. When did you start working with
17 Mr. Selah?

18 A. I'm not sure. The primary point of
19 contact was still Ibrahim. He was the person who was
20 giving answers to my drivers and trucks in Iraq,
21 because they had to come on base and he was the point
22 of contact for us.

23 Q. Okay.

24 A. So his role was on and off. The primary
25 contact was with Al-Morrell staff, Ibrahim Najjar in

1 Kuwait. He was the guy who was doing the logistics in
2 Iraq. So if Ibrahim gave me the orders for Bright
3 Pearl, and again it was four or five shipments, we
4 moved it across and he was the guy that coordinated the
5 logistics to get the drivers inside, look after the
6 drivers, make sure they had the gate passes, that sort
7 of thing.

8 Q. Do you remember when you first came into
9 contact with Mr. Selah?

10 A. I don't remember. I don't remember.

11 Q. Do you remember working with Mr. Selah
12 prior to January of 2012?

13 A. No.

14 Q. It looks like, if I continue to read this
15 e-mail, continuing after that first sentence that I
16 read, it says, "I now write to advise you that this
17 shipment of labels, nails, et cetera that is in our
18 warehouse has been put on hold by our group corporate
19 finance and legal department." The labels and nails,
20 et cetera, is that the type of cargo that Global
21 Freight was distributing throughout Iraq?

22 A. Part of the cargo.

23 Q. Part of the cargo.

24 A. Yes.

25 Q. And so at this point in time it looks like

1 Mohan is sending this e-mail to Mr. Selah to notify him
2 that those items were placed on hold and they are not
3 going to take any further action until the outstanding
4 balance is paid?

5 A. I didn't understand again.

6 Q. If I read this e-mail, that same sentence,
7 it says, "I now write to advise you that this shipment
8 of nails, labels, et cetera that is in our warehouse
9 has been put on hold by our group corporate finance and
10 legal department."

11 A. As part of this?

12 Q. It's Exhibit 25.

13 A. Okay. And what is your question on this?

14 Q. So on the second -- let me back up a
15 couple steps here. You previously testified that you
16 stopped, that Global Freight stopped receiving orders
17 from Al-Morrell Development in March or April of 2012,
18 correct?

19 A. Correct.

20 Q. Okay. So this e-mail is dated November
21 12, 2012.

22 A. Right.

23 Q. And in this e-mail Global Freight is
24 corresponding with Mr. Selah regarding some items that
25 are warehoused.

1 A. Right.

2 Q. Labels, nails, et cetera is what the
3 e-mail states. And that those items have been put on
4 hold by Global Freight's corporate finance and legal
5 department.

6 A. Correct.

7 Q. At this point in time, if Global Freight
8 had not been receiving any orders from Al-Morrell
9 Development, who did it think it was dealing with with
10 regard to these items that were warehoused?

11 A. I think in your previous questions I
12 already mentioned the sequence of events. When I came
13 back from Africa in July, Ibrahim Najjar, formerly of
14 Al-Morrell, contacted me to provide services for
15 Al-Morrell. And these are the shipments that were
16 generated by Al-Morrell prior to my e-mail with Paul
17 Nelson in August when I confirmed that I would be doing
18 some work for him.

19 Q. What was the result of the hold being
20 placed on those items in the warehouse?

21 A. Nothing. We still didn't get paid.

22 Q. Do the items still sit in the warehouse?

23 A. Yes, they do.

24 Q. If I move down the e-mail, there's a
25 paragraph that starts, "Various people in your

1 organization." It's about halfway down through the
2 e-mail. Do you see where I'm at?

3 A. Yes.

4 Q. It says, "Various people in your
5 organization have repeatedly given us either promises
6 of payment that were supposed to be due imminently, or
7 unacceptable excuses for nonpayment." Do you know who
8 the various people referenced in that e-mail are?

9 A. No. But it would be all Al-Morrell staff
10 that we repeatedly sent e-mails to and made telephone
11 calls to, right through the period March to November
12 2012.

13 Q. Did Global Freight ever receive a payment
14 from Bright Pearl after it started invoicing in the
15 name of Bright Pearl?

16 A. If you see my e-mail to Paul Nelson, it
17 very clearly specifies that we would do business only
18 on an advanced payment. So how it worked for the four
19 or five shipments that we did was Ibrahim Najjar, the
20 Al-Morrell employee in Kuwait, would request our
21 services. I would give him a quotation. He would get
22 it approved. Once it got approved I would raise an
23 invoice. He would pay me all the money, or they would
24 send me a wire transfer, and then we would perform the
25 service.

1 Q. Okay. So why wouldn't you have
2 received -- why wouldn't Global Freight have received
3 advance payment on this shipment of labels and nails
4 that the hold was placed on then?

5 A. Can you repeat your question, please?

6 Q. Yeah. So if you were doing work with
7 Bright Pearl starting in about August or September of
8 2012, correct?

9 A. Right.

10 Q. This e-mail which is sent to Mr. Selah at
11 pearlIraq.com is talking about a shipment of labels and
12 nails et cetera that is in the warehouse that has been
13 put on hold by your group.

14 A. Right.

15 Q. Was there advance for those warehousing
16 services? Was advance payment required?

17 A. Yes.

18 Q. Okay. So what you were saying here is
19 that you are refusing to distribute it until the
20 outstanding balance has been resolved?

21 A. Correct.

22 Q. Okay. Did you understand that Mr. Selah
23 was with Bright Pearl?

24 A. No.

25 Q. So when you saw that his e-mail said Maan.

1 Saleh@brightpearl.com --

2 A. See, for us Bright Pearl was just a brand,
3 like I explained earlier. It was just a brand that
4 Al-Morrell shipped after the withdrawal of the U.S.
5 forces. It was -- so to give you an example, if this
6 was the military camp which Al-Morrell operated in
7 Iraq, companies, whether American companies or European
8 companies, who operated here had immunity from
9 commercial operations in Iraq. Once this veil was
10 lifted, all companies, including Al-Morrell, needed to
11 register with the chamber of commerce for the Iraqi
12 government.

13 Through the local staff, we got to know
14 that Bright Pearl was now just the Iraqi name for
15 Al-Morrell in Iraq, as was required by law for any
16 company to work, to operate commercially in a country.
17 So for us, it was still Al-Morrell we were dealing
18 with.

19 Q. Okay.

20 (EXHIBIT 26 WAS MARKED.)

21 Q. Would you take a look at what's been
22 marked as Exhibit 26, please. Have you seen this
23 document before?

24 A. Yes, I have.

25 Q. And did you participate in preparing that

1 document at all with your attorney?

2 A. We submitted information that our
3 attorneys requested. And based on what we submitted,
4 they helped us draft the Complaint.

5 Q. Okay. I just want to go over a few of the
6 specific allegations that are in the Complaint, if we
7 could start with paragraph 20 on page 4. So paragraph
8 20 states, "Instead, AMD formulated and executed a plan
9 to contract debts with Plaintiffs, and avoid paying
10 Plaintiffs the amount owed to them under their
11 respective agreements by transferring AMD's assets, in
12 an effort to put them outside the reach of its
13 creditors, including Plaintiffs." What information did
14 you rely on in making that allegation there?

15 A. I think this happened through the
16 discovery or during the course of our litigation.

17 Q. So you believe this information was
18 discovered after the filing of the Complaint?

19 A. Yes.

20 Q. Okay. But this Complaint was filed --
21 this was filed in October of 2014.

22 A. Right.

23 Q. Before any discovery had commenced.

24 A. Right.

25 Q. So prior to discovery taking place, what

1 knowledge, what information was available to Global
2 Freight to make that allegation in paragraph 20?

3 A. I'm not sure I understand your question
4 again.

5 Q. I guess what I'm looking for is the facts
6 or information that Global Freight relied upon prior to
7 the commencement of this litigation to make that
8 allegation against Al-Morrell Development and Anthony
9 Dsouza.

10 A. I'm sorry. I'm still lost.

11 Q. Let me break it up a little bit. It might
12 take me a minute to figure out how I'm going to do it.

13 So the allegation here is that Al-Morrell
14 Development basically planned to transfer its assets in
15 advance to avoid paying its creditors. That's the
16 substance of the allegation here. I'm wondering what
17 information Global Freight relied upon, prior to any
18 discovery taking place, to support that allegation.
19 What information was available to you? What facts?
20 What had you heard that led you to that conclusion to
21 make that allegation?

22 A. We didn't hear anything. The only thing
23 we knew was that we were running from pillar to post to
24 get paid. And when we decided to -- we started off
25 initially by writing letters to the U.S. government, to

1 the U.S. Embassy, to the DCMA, and then they advised us
2 to go to the litigation process in the United States.
3 That's when we first hired a lawyer in New York City
4 who worked with us for the last 25 years. And he was
5 the one who first contacted Anthony Dsouza. And I
6 think that's when the discovery process came into play.
7 And then we compiled the complaint based on what was
8 said.

9 Q. Okay. So maybe you and I were on
10 different pages when you said "discovery process." So
11 when you say the discovery process, are you saying
12 starting with your attorney in New York who reached out
13 to Anthony Dsouza and information that he obtained?

14 A. Yes.

15 Q. Okay. What is it that led you to believe
16 that the only reason or that the reason AMD transferred
17 its assets was to put them out of the reach of its
18 creditors?

19 A. Can you simplify that question, please?

20 Q. I can try. So the allegation here is that
21 the reason that AMD has transferred its assets is so
22 that there would be nothing there for its creditors
23 after the transfer occurred. The allegation here is
24 that that's the reason why AMD transferred its assets
25 was to put them out of the reach of its creditors.

1 A. Right.

2 Q. What is it that led you to believe that
3 that's the reason why AMD transferred its assets?

4 A. Because we didn't get paid.

5 Q. Okay. So simply because you didn't get
6 paid was the reason or what led you to that conclusion?

7 A. There's several allegations for not being
8 paid. And after knocking all corners to seek for
9 payment that was due to us, we began the litigation
10 process. And during this litigation process, we got to
11 know that one of the reasons was that we were not
12 informed prior to the sale.

13 Q. Okay. Let's go to paragraph 72 of the
14 Complaint. Paragraph 72 states, "On each occasion when
15 AMD placed an order, as described above, Mr. Morrell
16 impliedly represented to Plaintiffs that he intended
17 that AMD would pay for the services and products that
18 were ordered." My question is what specifically did
19 Mr. Morrell do to make an implied representation to
20 Global Freight that he intended AMD would pay for the
21 services ordered?

22 MS. WILDE: Objection. Legal conclusion.

23 A. I'm not sure what you are asking again.

24 Q. So you are saying that Mr. Morrell made
25 implied representations to Global Freight that AMD

1 would pay the invoices.

2 A. Correct.

3 Q. I want to know what those implied
4 representations were.

5 MS. WILDE: Same objection.

6 A. I still don't understand.

7 Q. Did you ever speak directly with Anthony
8 Dsouza?

9 A. No.

10 Q. Did anyone -- are you aware of anyone at
11 Global Freight that had any direct communication with
12 Anthony Dsouza?

13 A. He was a difficult man to reach.

14 Q. Okay.

15 A. His staff told us on various occasions he
16 was the man who would finally decide when we would get
17 paid.

18 Q. They specifically mentioned Anthony
19 Dsouza?

20 A. Yes.

21 Q. Who was that that specifically mentioned
22 that it was Anthony Dsouza that would make that
23 decision?

24 A. It was the local staff. And even, in
25 fact, I think if you see Exhibit 23 when Alan Morrell

1 says to go back to Anthony Dsouza, in November.

2 Q. Okay. He said go back to Anthony Dsouza
3 to get payment. But he didn't say that it was Anthony
4 Dsouza that would tell them when payment was coming.
5 There's a difference there. So let's go back to my
6 original question. Did anyone at Global Freight that
7 you're aware of ever have any direct communication with
8 Anthony Dsouza?

9 A. We were in contact with the staff who were
10 reporting to Anthony Dsouza.

11 Q. Okay. So then it's safe to say that no
12 one at Global Freight directly communicated with
13 Mr. Morrell regarding payment.

14 A. Not until November 2012.

15 Q. Okay. And who communicated with him in
16 November of 2012?

17 A. Our general manager.

18 Q. They communicated to Mr. Morrell?

19 A. Yes.

20 Q. And did Mr. Morrell respond?

21 A. No. He never responded.

22 Q. I need to be clear that when I'm
23 referencing "Mr. Morrell" I'm talking about Anthony
24 Dsouza.

25 A. Anthony Dsouza.

1 Q. So did Anthony Dsouza, did he ever
2 individually place any orders with Global Freight; him,
3 himself, pick up the phone or send an e-mail placing an
4 order with Global Freight?

5 A. No.

6 Q. Did Anthony Dsouza ever send an e-mail or
7 communicate with anyone else at Global Freight and say,
8 "We will get you paid on this"?

9 A. No.

10 Q. So you were relying on representations
11 made by AMD staff.

12 A. We were relying on the fact that he was
13 the owner of Al-Morrell.

14 Q. Okay. But the communication was not
15 coming from Anthony Dsouza. It was coming from AMD
16 staff?

17 A. Yeah. At that time we still believed him
18 to be a respectable man. We still believed him to be a
19 man of his word. We still believed Al-Morrell to be an
20 American company that would honor their contracts. So
21 we didn't go up the chain directly with him. We
22 started with the chain of command, and when we got no
23 response from the chain of command right through
24 November 2012, then we directly started approaching
25 Anthony Dsouza.

1 Q. And you stated that when you started
2 directly approaching Anthony Dsouza, did he ever
3 respond and say, "I'll take care of it, I'll get you
4 paid"?

5 A. No. He would just ignore e-mails.

6 Q. So you implied in a prior answer that AMD
7 staff who Global Freight was communicating with
8 indicated that it was Anthony Dsouza that would
9 determine whether or not they received payment.

10 A. He was the boss.

11 Q. But did any staff at Al-Morrell
12 Development specifically say, "We are waiting for
13 approval from Anthony Dsouza to get you paid"?

14 A. The word they used was "home office."

15 Q. Okay. But do you know what level of
16 management was over the home office for Al-Morrell
17 Development?

18 A. We assumed that it was the owner of the
19 company.

20 Q. You presumed that?

21 A. Yes, we did.

22 Q. So other than what we have discussed here,
23 was there any other form of communication that led you
24 to believe that Anthony Dsouza was making implied
25 representations that Global Freight would be paid?

1 A. The last e-mail we got was from Alan
2 Morrell. We didn't know who he was at the time. We
3 thought he was his brother because he had the same
4 family name. Later on he told us in a telephone call
5 that he is just a nephew, and we should contact his
6 uncle, and he is the one responsible to pay.

7 Q. What was that e-mail? You said the last
8 e-mail you got. What date was that?

9 A. I think it's already in Exhibit 23. This
10 was in November 2012.

11 MS. WILDE: What Exhibit?

12 THE WITNESS: Exhibit 24.

13 Q. Can I take a look at that, please?

14 A. The one which was highlighted earlier.

15 Q. So the statement you are referencing is
16 where Alan Morrell states, "I would recommend you
17 continue to work with Mr. Anthony Dsouza and with
18 Bright Pearl"?

19 A. I would make Alan Morrell several calls in
20 a day, because he was the contact we had. Paul was not
21 reachable during this period. We didn't know how to
22 get in touch with him. We sent him e-mails. Alan, we
23 had a telephone number given to us by Al-Morrell Utah
24 head office. He, after giving him maybe five or six
25 calls, he would pick up a call from a different number.

1 And during these conversations he mentioned that he was
2 just an employee of Al-Morrell and we should go after
3 Anthony Dsouza, his uncle, who will pay us.

4 Q. Okay. So he directed you to Anthony
5 Dsouza, correct?

6 A. Yes, he did.

7 Q. But he didn't tell you that Anthony Dsouza
8 was telling him not to pay you.

9 A. I didn't understand again.

10 Q. Alan never said to you, "We are not going
11 to pay you," meaning Global Freight, "because Paul is
12 telling us not to pay"?

13 A. English is again worded differently, but
14 from what -- it depends how you want to read it. But
15 what he specifically mentions from this e-mail is my
16 understanding, as somebody who has not got paid, is,
17 "Anthony Dsouza is the person who is going to pay you
18 and you should not bother me, but go after him."

19 Q. That's your understanding of Exhibit 24.

20 A. Right.

21 Q. Okay. So aside from Exhibit 24, is there
22 any other communication that you believe constitutes an
23 implied representation from Anthony Dsouza that AMD
24 would pay for the services and products that were
25 ordered?

1 A. Yeah. The last person in Kuwait was
2 Ibrahim Najjar. He was the only representative in
3 Kuwait towards the end of November 2012. And I would
4 visit him or meet him frequently, almost once a week,
5 to find out the status of the payment. And all the
6 meetings he just said he was -- he kept mentioning to
7 me that he wasn't in touch with Paul. He would make
8 several phone calls to Anthony Dsouza, and he would
9 continue to pursue with Anthony Dsouza to get us paid.

10 Q. Okay. Do you know where Ibrahim is
11 currently?

12 A. He is in Kuwait.

13 Q. And who does he work for now?

14 A. He works for a local company. I can't
15 remember the name.

16 Q. Okay. And is it in the same type of
17 industry?

18 A. Yes, it's the same type of industry.

19 MR. HANSEN: Can we take a short break?

20 MS. WILDE: Sure.

21 (Break taken from 10:27 to 10:38 a.m.)

22 Q. So I'll take you back to the Complaint,
23 Anthony. And let's move to Paragraph 81. Are you
24 there?

25 A. Yes.

1 Q. So Paragraph 81 of the Complaint states,
2 "While he controlled AMD, Mr. Morrell caused AMD to
3 dishonor, repudiate or otherwise breach its contract
4 with Plaintiffs." My question is what specifically did
5 Mr. Morrell do to cause AMD to dishonor, repudiate or
6 breach its contract with Global Freight?

7 A. He didn't pay us what was due to us.

8 Q. Okay. And is that the sole basis for that
9 allegation is that he did not pay?

10 A. Yes.

11 Q. Are you aware of anything else or are
12 there any other facts that Global Freight is relying on
13 to claim that Mr. Morrell did something to cause AMD to
14 dishonor, repudiate or otherwise breach its contract
15 with Global Freight?

16 MS. WILDE: Objection to the extent it
17 calls for him to make a legal conclusion.

18 A. Could you repeat that again, please?

19 Q. Yes. So you've told me that one basis for
20 the allegation in Paragraph 81 is that Mr. Morrell did
21 not pay the amount owed. I'm wondering, is there any
22 other basis out there for Global Freight's allegation
23 that Mr. Morrell caused AMD to dishonor, repudiate or
24 otherwise breach its contract with Global Freight.

25 A. He would not respond to any communication

1 that we tried numerous ways to get in touch with him.

2 Q. Okay.

3 A. We tried e-mail, we tried telephone, we
4 wrote to various people. But he just wouldn't come
5 back to us.

6 Q. Anything else?

7 A. No.

8 Q. Okay. So if we can go to Paragraph 83,
9 Paragraph 83 states, "Mr. Morrell's bad faith in
10 connection with the performance of his contracts with
11 Plaintiff is evidenced, among other things, by the
12 numerous orders for goods and services that he
13 initiated after AMD's assets and liabilities had been
14 transferred to Bright Pearl, an Iraqi company founded
15 by Mr. Morrell."

16 So it states there that Mr. Morrell
17 initiated numerous orders for goods and services after
18 AMD's assets and liabilities had been transferred to
19 Bright Pearl. Did you ever -- did Global Freight ever
20 receive an order directly from Mr. Morrell that he
21 initiated?

22 A. The orders were all initiated by staff who
23 were directly reporting to him; for example, Dan
24 Hobson. It was common knowledge that Dan Hobson was
25 reporting directly to Anthony Dsouza, and we presume if

1 the orders came from Dan Hobson, Anthony Dsouza was
2 aware of it.

3 Q. Why was it common knowledge that Dan
4 Hobson was reporting directly to Anthony Dsouza?

5 A. It was -- for various reasons. And the
6 major reason is that Dan Hobson was in a very senior
7 and important position. A project of this scale
8 involved purchasing multi-million dollars worth of
9 materials across the globe. It included services,
10 trucking, warehousing. Dan Hobson was the person in
11 charge for Iraq and Kuwait. He was personally involved
12 in procuring all these items from across the globe. He
13 had the power to make contracts, to buy things and come
14 back. There was no -- and none of the plants in Iraq
15 would function if this material did not get to Iraq.
16 And Dan Hobson, in his position, had tremendous
17 authority and responsibility. And he, on various
18 occasions, mentioned when we were in meetings that he
19 would have to get Mr. Morrell's update on the status of
20 things that he requested.

21 Q. Did Dan Hobson ever state to you directly
22 that the next level of management above him is Anthony
23 Dsouza?

24 A. Yes, he did.

25 Q. When did he make that statement?

1 A. On several occasions when we probably met
2 over coffee or he drove to our warehouse.

3 Q. And he told you his direct supervisor was
4 Anthony Dsouza?

5 A. Yes.

6 Q. Did Dan Hobson ever tell you that the
7 orders he was placing were being placed at the
8 direction of Anthony Dsouza?

9 A. Can you repeat the question again?

10 Q. Yeah. Did Dan Hobson ever communicate to
11 Global Freight that the orders that he was placing were
12 being placed at the direction of Anthony Dsouza?

13 A. No, he didn't.

14 Q. What did you understand Mr. Morrell's
15 affiliation with Bright Pearl to be?

16 A. Can you rephrase that, please?

17 Q. Yeah. What did you understand
18 Mr. Morrell's involvement to be with the company Bright
19 Pearl?

20 A. Again, I would say the same thing I said
21 in the past. For us Bright Pearl and Al-Morrell was
22 the same thing. Bright Pearl was, again, and I repeat
23 my gesture, it was just a label around the bottle that
24 came into effect after the military left. So for us it
25 was the same company we were working with except that

1 they branded the water now Bright Pearl, with the
2 military veil being lifted.

3 Q. When you first started working with
4 Al-Morrell Development, did you understand that their
5 contract for producing bottled water was with the U.S.
6 military?

7 A. Yes. Al-Morrell was a name known across
8 the business companies like Global Freight in Iraq.
9 They were known to be a reputed company holding a
10 multi-million dollar contract. And we knew that they
11 were supplying water to contracts in Iraq, all across
12 Iraq.

13 Q. And so when the U.S. military -- it's
14 known that the U.S. military withdrew from Iraq in May
15 2011, correct?

16 A. Yes.

17 Q. And so with the withdrawal of the U.S.
18 military and the change to Bright Pearl, was there
19 discussion amongst -- I mean, if Al-Morrell Development
20 was a well-known entity in Iraq and Kuwait, was there
21 discussion in the business community about what's going
22 to happen with Al-Morrell Development now that the
23 military is withdrawing?

24 A. There was no reason for a discussion
25 because in November 2011, when it was common knowledge

1 that the troops would pull out, Dan Hobson, who was
2 heading the Iraq and Kuwait operation, sent me an
3 e-mail, and it is out of this folder which you now
4 have. It specifically mentions to me that they were
5 staying put in Iraq and they are not going anywhere.

6 Q. That who is staying put in Iraq?

7 A. If you allow me just a second to dig that
8 out. This is in November 2011, where Dan Hobson writes
9 to me, as director of supply chain management for
10 Al-Morrell. He says, and I will read, "As I'm sure you
11 are aware that AMD will be staying in our current
12 location in Baghdad. The current U.S. military
13 installation will be turned over to the Iraqi Army by
14 the middle of December, and with the change will come
15 changes to the base." And then he gives me the process
16 of doing that.

17 So what actually changed for us was only
18 the access. The trucks that would actually access the
19 military supply routes would now be sent to a
20 commercial crossing, as it was known. And Dan Hobson's
21 e-mail very specifically tells me that nothing changes
22 except the way the trucks enter the base. So for us it
23 was business as usual, we don't worry.

24 Q. Which tab were you in when you pulled this?

25 A. I'm sorry. I didn't tab it.

1 Q. I've got it.

2 (EXHIBIT 27 WAS MARKED.)

3 Q. So in our discussion, you just referenced
4 an e-mail between you and Dan Hobson from November of
5 2011, correct?

6 A. Right.

7 Q. So I'm going to show you what's been
8 marked as Exhibit 27.

9 A. Right.

10 Q. Is that the e-mail that you were
11 referencing?

12 A. Correct.

13 Q. And in that e-mail Mr. Hobson states, "As
14 I'm sure you are aware that AMD/Oasis will be staying
15 in our current location in Baghdad."

16 A. Right.

17 Q. Correct? So did you interpret that to
18 mean that they were going to continue to do -- that
19 they were going to continue to do business indefinitely
20 in Baghdad; or just with the change, with the
21 withdrawal of the U.S. military because we were on a
22 U.S. military base, they were just going to stay in
23 their physical location?

24 A. I didn't get you.

25 Q. When you first discussed this e-mail, it

1 sounded to me like you interpreted this e-mail to mean
2 that AMD and Oasis were going to continue doing
3 business indefinitely in Iraq.

4 A. Right.

5 Q. And that's how you interpret the e-mail.

6 A. Right.

7 Q. And is it this first sentence that leads
8 you to that conclusion, where it says, "As I am sure
9 you are aware that AMD/Oasis will be staying in our
10 current location in Baghdad."

11 A. Yeah. What I understand is that Dan was
12 trying to tell me that it's business as usual for
13 Al-Morrell with the military pulling out. We are going
14 to continue business. It was not my business to ask
15 who they were continuing business with. But for me, he
16 was just laying down the process of how I would get his
17 material out there to his facility.

18 Q. Okay. And that was based on the fact that
19 historically, prior to November 2011, Oasis/AMD was on
20 a U.S. military base, correct?

21 A. Right.

22 Q. And with the withdrawal of the U.S.
23 troops, that base was no longer going to be.

24 A. I'm not aware what was going to happen
25 with that, because that's way above my pay grade to

1 know what was happening in Baghdad. But it was common
2 knowledge that the U.S. forces, you don't just unplug
3 and have no man on the ground on a certain date. There
4 would be what you call close-up forces, closing down
5 forces. And the bulk of it was that Al-Morrell was
6 also supporting or the same water was also being
7 supplied to the U.S. Embassy in Baghdad, and it was our
8 belief a fair amount of water still needed to be
9 distributed to the back operations of the U.S. forces
10 that were going to stay back for the next six to twelve
11 months.

12 Q. And what was the basis for that belief?

13 A. The basis for that belief was, like I
14 said, the U.S. Embassy was still active. It would
15 probably take six to twelve months for every boot to
16 leave Iraq.

17 Q. So was that just an assumption made by
18 Global Freight based on those facts?

19 A. The assumption was made on the fact that
20 Al-Morrell continued to receive -- we continued to
21 receive material from all over the globe in our
22 warehouses. Only the process of distributing would
23 change marginally with the withdrawing army.

24 Q. So at what point in time did Global
25 Freight become aware of the fact that Al-Morrell had

1 transferred its assets to Bright Pearl?

2 A. I think only during discovery stage of
3 litigation. Not before that.

4 Q. Okay. And so is Global Freight familiar
5 with the terms of the transaction between Al-Morrell
6 Development and Bright Pearl?

7 A. Only after reading through Mr. Paul
8 Morrell's deposition.

9 Q. Okay. So that's how Global Freight became
10 familiar with the facts of that transaction?

11 A. Right.

12 Q. Okay. In the Complaint it's alleged that
13 Al-Morrell Development didn't receive reasonably
14 equivalent value for the assets that it transferred.
15 In other words, that it didn't receive the amount of
16 money that it should have for the transfer of assets
17 that it made to Bright Pearl.

18 A. Right.

19 Q. What is the basis for that allegation?

20 A. Can you rephrase the question, please?

21 Q. Yeah. So in the complaint, Global Freight
22 states that when Al-Morrell Development transferred its
23 assets to Bright Pearl, that Al-Morrell Development
24 didn't receive adequate compensation for the transfer
25 of assets. In other words, that it, in theory, should

1 have received something more for the transfer of assets
2 that it made. What is the basis for the allegation by
3 defense that Al-Morrell Development didn't receive what
4 it should have when it transferred its assets to Bright
5 Pearl?

6 MS. WILDE: Objection to the extent it
7 calls for a legal conclusion.

8 You can go ahead and answer if you
9 understand it.

10 A. No, I still don't understand what you're
11 asking.

12 Q. Do you know how much money Al-Morrell
13 Development received for the transfer of assets to
14 Bright Pearl?

15 A. Now we know, after the deposition.

16 Q. Okay. But you didn't know beforehand?

17 A. No, we didn't know beforehand.

18 Q. Okay. And what's your understanding of
19 the amount of money that Al-Morrell Development
20 received for the transfer of assets to Bright Pearl?

21 A. Based on Paul Morrell's deposition, it's
22 around -- I think he said, and I may be wrong, but I
23 think he said he was supposed to receive \$16 million
24 and he received \$10 million.

25 Q. Okay. And so do you know if \$10 million

1 is adequate compensation for the assets that were
2 transferred?

3 A. I wouldn't know that.

4 Q. Okay. If we can turn to Paragraph 101 of
5 the Complaint. So Paragraph 101 states that Bright
6 Pearl was founded by Mr. Morrell and is operated by
7 Mr. Morrell's brother, Phil Morrell. Do you believe,
8 as we sit here today, that Phil Morrell is still
9 operating Bright Pearl?

10 A. I'm not aware of that.

11 Q. Okay. What caused you to believe that
12 Phil Morrell was operating Bright Pearl?

13 A. I don't know the answer to that right now.

14 Q. Okay. So you can't state that at any
15 point in time you know Phil Morrell was operating
16 Bright Pearl?

17 A. No.

18 Q. Okay. So in Paragraph 102 it states that,
19 "On information and belief, Mr. Morrell and Phil
20 Morrell conspired to form Bright Pearl for the purpose
21 of defrauding AMD's creditors," including Global
22 Freight. What is the information relied upon to arrive
23 at the conclusion that Anthony Dsouza and Phil Morrell,
24 that their purpose in forming Bright Pearl was to
25 defraud AMD's creditors?

1 A. Because over time there were other vendors
2 who -- there were two vendors in Kuwait and one in
3 Turkey who started getting in touch with each other
4 because all of us did not get paid. And when we
5 realized and we shared information how much was owed by
6 Anthony Dsouza to each one of us, it was indicative of
7 the fact that this was a very planned effort by the
8 Morrells to make sure that they don't pay any vendors.
9 It was not just Global Freight. It was four companies
10 that I knew of, and probably there were more who had
11 minor amounts who then approached Paul for money.

12 Q. Who are the other companies you were aware
13 of that weren't paid?

14 A. There were two Kuwait companies. One was
15 Genoa Plastics. These were the guys who made the
16 bottle caps. The other was a company called -- the
17 name is on the tip of my tongue. Gama. They provided
18 lumber.

19 Q. And I think you stated there were four
20 companies. Do you recall the other two?

21 A. There's a company in Turkey called -- I
22 can't get the name, but there was a Turkish company,
23 and this company provided resin for bottled water.

24 Q. And do you recall the other company?

25 A. There's just four.

1 Q. So I have Genoa, Gama, and --
2 A. And the Turkish company.
3 Q. And the Turkish company, which is three.
4 A. And GF is four.
5 Q. Okay. So including Global Freight there's
6 four.
7 A. That I'm aware of. There could be more.
8 Q. Okay. Do you know if Genoa, Gama -- do
9 you know if Genoa is still owed money?
10 A. We filed the litigation together, Genoa,
11 Gama, and Global Freight. But they reached an
12 out-of-court settlement.
13 Q. Genoa and Gama did?
14 A. Six months ago.
15 Q. Do you know if the Turkish company is
16 still owed money?
17 A. I really have no idea.
18 Q. Okay. Who is Joseph Thomas?
19 A. He is the owner of Global Freight.
20 Q. He is the owner?
21 A. Yes.
22 Q. And is he in Kuwait, as well?
23 A. Yes, he is.
24 Q. And we talked a little bit about Mohan,
25 and you'll have to pronounce the last name for me.

1 A. Janardhan.

2 Q. Janardhan?

3 A. Yes.

4 Q. And what's Mohan's role with the company?

5 A. He is one of the deputy general managers.

6 And in my absence, when I was overseeing a project in
7 Africa, he was involved in communications with Richard
8 initially.

9 Q. With who?

10 A. With the attorney in New York.

11 Q. Okay.

12 A. He initiated some correspondence with Alan
13 and Paul. So that period when I was out of the office
14 he got involved.

15 Q. Okay. Did you meet with either of them
16 before coming over here to testify?

17 A. With Mohan?

18 Q. With Mohan or Joseph.

19 A. I met with Joseph. I meet him every day.

20 Q. But for the purpose of discussing your
21 deposition?

22 A. Yes, we did. Yeah.

23 Q. Okay. And what was discussed between you
24 and Joseph?

25 A. We just discussed for maybe ten minutes on

1 the day I was leaving, which was Sunday the 20th, he
2 just wanted to -- I showed him your Notice of
3 Deposition and we just went through the points quickly
4 in ten minutes. And there was nothing to it because
5 everything was in black and white. He just said, "Go
6 there and say what we have been saying."

7 Q. Okay. Let's mark this as 28.

8 (EXHIBIT 28 WAS MARKED.)

9 Q. Do you recognize -- I'll give you a minute
10 to look that document over.

11 A. Yes.

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. And did you assist your attorney in
15 preparing the responses to Request for Production of
16 Documents?

17 A. We gave our attorneys what they asked in
18 terms of documents and they sent back a response.

19 Q. Okay. Are you aware of any other
20 documents that are out there that might be responsive
21 to these requests for production of documents?

22 A. I didn't get the understanding again.

23 Q. Okay. So what I'm just trying to verify
24 is that we have received all the documents that are
25 responsive to our requests. You produced us some

1 documents. We have this binder here today which
2 contains some additional documents, some of which have
3 been produced, some of which previously have not been
4 produced.

5 A. Right.

6 Q. I'm just wondering are there any other
7 documents that you're aware of that have not been
8 produced that would be responsive to the Request for
9 Production of Documents that we have submitted?

10 A. Again, you've got me lost here.

11 Q. Okay.

12 MS. WILDE: What do you not understand?
13 Maybe explain what you are --

14 THE WITNESS: What exactly is he asking
15 for? Is he saying are there more documents we can
16 produce?

17 MS. WILDE: Tell me if I'm wrong here --

18 MR. HANSEN: Go ahead.

19 MS. WILDE: He is asking when we went
20 through and we responded to these document requests and
21 we produced documents to the defendants, if you were to
22 go and see if there were any more documents to produce
23 that would be something they have asked for here, are
24 there more documents out there?

25 THE WITNESS: It could be an e-mail that I

1 may have missed. It could be.

2 Q. (By Mr. Hansen) What was the process you
3 went through in gathering the documents that are
4 responsive?

5 A. Going to the archive of e-mails and
6 others. All archived e-mails.

7 Q. Okay. So the documents that are in this
8 binder today that you produced, is there a reason those
9 weren't produced as part of the discovery responses?
10 Granted, some of them were.

11 A. Right.

12 Q. But there are several e-mails and stuff
13 that were not.

14 A. Yeah. Those came about after I got your
15 Notice for Deposition. And I went line by line, and if
16 you see -- I decided to go and examine each point that
17 you wanted to have a discussion on. And I went pains-
18 takingly, e-mail after e-mail, and that's how I got
19 this produced.

20 Q. I appreciate you going through that
21 painstaking process. If you stumble across anything
22 else that is responsive to the request, would you
23 produce that through your attorney?

24 A. Sure.

25 Q. Okay.

1 MS. WILDE: Christian, we can re-evaluate
2 and make sure we have produced everything. After this
3 deposition, I can go through the binder of documents
4 and also talk with Global Freight and Anthony about
5 anything that might be missing.

6 MR. HANSEN: Okay. That would be great.

7 MS. WILDE: Because I do realize there's a
8 few in there that have not been produced.

9 MR. HANSEN: I appreciate that.

10 (EXHIBIT 29 WAS MARKED.)

11 Q. (By Mr. Hansen) I'll give you a minute to
12 look that over.

13 A. Okay.

14 Q. And so Exhibit 29 are your answers to the
15 interrogatories that were propounded by the defendants,
16 Al-Morrell Development and Anthony Dsouza.

17 A. Right.

18 Q. Did you participate with counsel in
19 responding to the interrogatories?

20 A. Yes, I did. We supported them with
21 documents and facts relating to this case.

22 Q. Are you aware of any other information or
23 facts that you believe would be responsive to the
24 interrogatories?

25 A. I'm sorry, I know I keep asking you --

1 Q. You think I'd learn. I'm the one that
2 keeps doing the same thing over.

3 Is all the information that you have and
4 the facts that you're aware of, are they included in
5 these responses?

6 A. Yes.

7 Q. Okay. And there's no additional facts or
8 evidence that you're relying on in responding to these
9 interrogatories?

10 A. It's been a step-by-step process. As
11 things have been asked, we have tried to produce them.
12 For example, you just mentioned that there were certain
13 documents that have been produced today. Again, that
14 is in response to what you said you would like to
15 discuss. So if something new comes up, probably I'd
16 have to go back and specifically search for any
17 correspondence relating to that specific question that
18 you intend to ask. And I'm not saying there may not be
19 anything, but like two or three new topics came up and
20 there's a possibility that if you ask something new I
21 may have to go back and check again and search for that
22 particular document again.

23 Q. I'd just make the same request. If you
24 come across any information or facts, if you would just
25 supplement your responses.

1 A. I will.

2 Q. Okay. I think that's probably all I have.

3 MS. WILDE: Okay. I have a few questions
4 if that's okay.

5 MR. HANSEN: Yeah.

6

7

EXAMINATION

8 BY MS. WILDE:

9 Q. Anthony, I'm going to go back to some of
10 the things you've stated earlier.

11 A. Sure.

12 Q. You said earlier that in response to
13 Christian's question about whether you met anyone, do
14 you recall you said you met with nobody?

15 A. Yeah.

16 MS. WILDE: Do you mind if he supplements
17 that answer?

18 MR. HANSEN: In what context was I asking
19 if he met with anyone?

20 MS. WILDE: In preparation for the
21 deposition.

22 MR. HANSEN: Yes.

23 Q. (By Ms. Wilde) Did you meet with anyone
24 to prepare for the deposition?

25 A. I came to meet you yesterday afternoon

1 with this binder.

2 Q. With me and Mr. Lowrie?

3 A. And Mr. Lowrie.

4 Q. Okay. And did you also meet with Joseph
5 Thomas before travelling from Kuwait?

6 A. Yes. But that was briefly, for five
7 minutes.

8 Q. Okay. You discussed the visits that Tom
9 Owens, Dan Hobson, and Alan Slighting made --

10 A. Right.

11 Q. -- in early 2011.

12 A. Right.

13 Q. Do you recall that?

14 A. Yes.

15 Q. Just wait until I'm done with the
16 question. Do you recall that testimony, of saying that
17 they came and visited Global Freight's facility.

18 A. Yes.

19 Q. Okay. Were you aware at that time that
20 Al-Morrell Development was the company that they were
21 doing business with?

22 A. Yes.

23 Q. And did you have an awareness that that
24 was an American company?

25 A. Yes. We all knew, because Al-Morrell was

1 a known player in military contracts in Iraq. It was a
2 big name because it was a multi-million dollar contract
3 running into several hundred millions of dollars. It
4 was no small contract. And as a logistics company, we
5 wanted to get involved with Al-Morrell. So we had a
6 clear idea they are an American company. And as Global
7 Freight, we worked with a lot of other American
8 companies on base. We also worked directly with the
9 U.S. government, with the U.S. Embassy on various other
10 contracts.

11 Q. Let me stop you there. When you say you
12 were aware of the multi-million dollar contract, was
13 that the contract to provide water to the U.S.
14 military?

15 A. Al-Morrell was only, in Iraq at that time,
16 known for producing water in Iraq.

17 Q. Okay. Have you, as in Global Freight, has
18 Global Freight had contracts directly with the U.S.
19 military?

20 A. Yes. Several contracts.

21 Q. And based on that relationship, is it your
22 opinion that the U.S. government stands by their word
23 and pays Global Freight?

24 A. See, in the business community of
25 contractors, the U.S. government is probably the most

1 sought-after customer.

2 Q. Sought after?

3 A. Sought-after customer. Because you will
4 always get paid. And it was our belief at that time we
5 worked with and continued to work with several American
6 companies who always kept their word and we got paid.
7 So for us it was -- and we always discussed this
8 in-house, that this is why we allowed ourselves to get
9 into this debt with Al-Morrell, one of the reasons we
10 tell ourselves is that we never anticipated Al-Morrell,
11 which was one of probably twenty American companies we
12 worked with, would not pay us. This was a problem, a
13 concern with non-U.S. companies. But it was our
14 experience that U.S. companies would pay us, and they
15 continue to pay us, including the military contracts we
16 have and other prime vendors. So we never anticipated
17 that Al-Morrell would not pay us, especially since the
18 money that was owed to us is minuscule when compared to
19 the hundreds of millions of dollars that they got from
20 the U.S. government.

21 MR. HANSEN: I move to strike that last
22 statement on foundation.

23 MS. WILDE: I'm trying to recall what the
24 statement was.

25 MR. HANSEN: Just that Al-Morrell received

1 hundred of millions of dollars from the U.S.
2 government.

3 MS. WILDE: And I don't think we would
4 object to that. We would object that at this point
5 there's no evidence of --

6 MR. HANSEN: Yeah, just foundation on
7 that.

8 MS. WILDE: -- hundreds of millions being
9 received.

10 MR. HANSEN: Yeah.

11 Q. (By Ms. Wilde) You testified earlier that
12 there were several individuals from Al-Morrell
13 Development that would place orders, and tell me if I'm
14 not saying these names correctly, but the names you
15 gave are Tom Owens, James Morris, Johnny Nahas, Anthony
16 Yob, Ibrahim Najjar, and Dan Hobson. Do you recall
17 that?

18 A. Yes.

19 Q. Is it possible that there were any others
20 that placed orders?

21 A. No.

22 Q. Okay. And what do you base that belief
23 on?

24 A. These were all individuals and staff who
25 operated out of Kuwait and was in direct contact with

1 me, our office.

2 Q. Okay. Did you meet each of those
3 individuals personally?

4 A. Yes, I did.

5 Q. We talked a little bit about your
6 discussions with Paul Nelson in the late summer of
7 2013. Christian asked you earlier about the statement
8 that the shipment should be consigned to Bright Pearl.
9 What did you understand that to mean?

10 A. Like I explained earlier, that was the --
11 with the military veil being lifted, if Al-Morrell had
12 to continue doing business in Iraq, they needed a legal
13 entity, they needed an Iraqi company. And Bright Pearl
14 was presumed to be the Iraqi company that Al-Morrell
15 formed in Iraq.

16 Q. Was it your understanding that Al-Morrell
17 Development formed Bright Pearl?

18 A. Yes.

19 Q. And was it your understanding that Bright
20 Pearl was an actual legal entity?

21 A. Yes.

22 Q. Okay. Was it your understanding that --
23 well, I'll strike that. You said earlier that you
24 thought that Bright Pearl was a brand name, correct?

25 A. Right.

1 Q. What do you mean by "a brand name"?

2 A. If you -- like I said, if you go and look,
3 the water bottle that Al-Morrell made for the U.S.
4 military didn't have a brand. It was a bottle with no
5 label. Just strictly a bottle. And post that, they
6 decided to give it a brand name. And the label was
7 Bright Pearl.

8 Q. I want to have you look at a document in
9 this exhibit book and I'll tell you in a second what
10 number it is.

11 Look at Exhibit 14. I don't have a copy
12 for you, Christian.

13 MR. HANSEN: That's fine.

14 MS. WILDE: But I'm sure you have seen
15 this.

16 MR. HANSEN: Yes.

17 Q. (By Ms. Wilde) Have you seen Exhibit 14
18 before?

19 A. Yes.

20 Q. Do you recall when you first saw that?

21 A. Yes. Actually, this is late November 2012
22 onwards, and we didn't get paid. We started turning
23 all corners to find out, you know, to give you, our
24 attorneys, all documentary evidence that Bright Pearl
25 was owned by Anthony Dsouza. So then that's when we

1 started looking out for this document.

2 Q. And when you say "we," who are you
3 referring to?

4 A. Me and Joseph.

5 Q. Did you or Joseph locate this document?

6 A. Yes, we did.

7 Q. And what did you do to locate this
8 document?

9 A. We sent a lawyer in Baghdad to the Chamber
10 of Commerce in Iraq, basically, to find this out for
11 us.

12 Q. Okay. Did you rely on this document in
13 forming your opinion that Al-Morrell Development owned
14 Bright Pearl?

15 A. Yes, we did.

16 Q. Did you rely on this document in forming
17 the opinion that Anthony Dsouza either owned or
18 controlled Bright Pearl?

19 A. Yes, we did.

20 Q. We can move away from that one.

21 You stated earlier that in this lawsuit
22 Global Freight seeks payment for services that were
23 rendered, and I don't know if the question was services
24 or invoices, but that the time period was October of
25 2011 through March or April of 2012. I just want you

1 to look at the summary of invoices which is Exhibit 19
2 in that book. My first question is did you prepare
3 this document?

4 A. No. This is generated by the accounting
5 package from our accountant.

6 Q. Okay. And what is it? What is this
7 document?

8 A. It's the statement of account.

9 Q. Does it summarize all invoices --

10 A. Yes.

11 Q. -- that you claim to be owed?

12 A. Correct.

13 Q. Does this summary refresh your recollection
14 of the time period by which you seek payment?

15 A. Yeah, October 2011 through April 2012.

16 Q. Okay. Let's go to Exhibit 25. Do you see
17 that there are several recipients of this e-mail that
18 have the e-mail address "@pearlIraq"?

19 A. Right.

20 Q. Do you recall how you or Mohan obtained
21 those e-mail addresses?

22 A. I think we got it from the local
23 representative in Kuwait.

24 Q. The local representative of who?

25 A. Ibrahim.

1 Q. Okay. So you are saying Ibrahim gave you
2 those e-mail addresses?

3 A. Right.

4 Q. And when he gave you those e-mail
5 addresses that have "pearlIraq" at the end, did that
6 indicate to you that "pearlIraq" was separate from AMD?

7 A. Not really, because what they told us was
8 Pearl was an Iraqi company of Anthony Dsouza operating
9 out of Iraq. So we assumed that they are just using,
10 for marketing purpose, a PearlIraq e-mail address.

11 Q. Okay. And after November 12, 2012, the
12 date of this e-mail, were there any more services
13 provided to AMD or Bright Pearl?

14 A. No.

15 Q. Okay. You testified earlier that staff
16 said that Anthony Dsouza would decide whether Global
17 Freight would get paid. Do you recall who exactly said
18 that?

19 A. One was Alan Morrell who specified that in
20 an e-mail. And the other was Ibrahim Najjar. And Dan
21 Hobson in several telephone conversations.

22 Q. Did Alan Morrell work in Kuwait?

23 A. No. He worked in Iraq.

24 Q. He worked in Iraq?

25 A. Right.

1 Q. Do you recall whether he worked in Iraq
2 during the entire year of 2012?

3 A. I'm not sure. At some point in time Dan
4 Hobson faded away, if you know what I mean. He was --
5 we were probably told that he was no longer in the
6 company, but we still were communicating through July
7 with the home office in Utah. And they directed us to
8 go to Alan Morrell.

9 Q. Do you recall when Dan Hobson left?

10 A. I think -- I don't know. But it could be
11 during a period maybe between June or July of 2012.

12 Q. Did you understand Alan Morrell to be Dan
13 Hobson's replacement?

14 A. Yes, we did.

15 Q. Did you understand Alan Morrell to be Paul
16 Morrell's nephew?

17 A. Not at first. I thought he was his
18 brother. But after getting his phone number when we
19 contacted him, he said, "I'm his nephew."

20 Q. Okay. Let's go to Exhibit 24. You
21 testified earlier that there was a conversation by
22 which Alan Morrell said that Global Freight needed to
23 get in touch with his uncle, Anthony Dsouza. Correct?

24 A. Right.

25 Q. Was that in this e-mail on Exhibit 24 or

1 was that a phone call?

2 A. Like I said earlier, it was subsequent,
3 several e-mails to Alan, several e-mails and telephone
4 calls. Several telephone calls to Alan. And sometimes
5 he would respond and sometimes he would not respond.
6 And once we did get in touch with him, we wrote an
7 e-mail. Mohan wrote to him, and he didn't like,
8 apparently, from what he is writing. And that's when
9 he tells us specifically to go to Anthony Dsouza for
10 our money.

11 Q. Okay. Let's go to Exhibit 27. I actually
12 don't have my copy of that. Let me look on yours.
13 Exhibit 27 is referring to the military pulling out of
14 Iraq; is that correct?

15 A. Correct.

16 Q. And was it common knowledge that the U.S.
17 military was withdrawing?

18 A. Yes, it was.

19 Q. Did you know whether the U.S. military was
20 being serviced by Al-Morrell Development in 2012?

21 A. Yes, we did.

22 Q. You knew that the U.S. military was the
23 customer?

24 A. Some of the bottled water was being
25 delivered to the U.S. Embassy and U.S. Army based in

1 Baghdad.

2 Q. Okay. We are done with that document. Do
3 you recall at about what time you engaged Richard
4 Altman in New York City to help you with this dispute?

5 A. I think the end of December 2012.

6 Q. Okay. And I have to think of a way to ask
7 this question. Did you receive information from other
8 vendors or lawyers about Anthony Dsouza and Phil
9 Morrell that you did not otherwise know?

10 A. I can't --

11 Q. Do you want me to rephrase that?

12 A. Please.

13 Q. When you engaged lawyers in this case,
14 including Richard Altman, did your lawyers convey any
15 information to you about Anthony Dsouza and Phil
16 Morrell that you did not already know?

17 A. No. Nothing new.

18 Q. Nothing new?

19 A. No.

20 Q. Did any of the other vendors that you were
21 working with provide any information about Anthony
22 Dsouza and the relationship with Bright Pearl?

23 A. We actually initiated the process and at
24 that point in time the other vendors got in touch with
25 me personally and they asked me what I was doing or

1 what GFS was doing to get our money back. And we told
2 them that we are taking the legal route in the United
3 States, and they asked me if they could join and be
4 part of that process.

5 Q. Okay. You talked about three other
6 vendors. There was Genoa, Gama, and a Turkish company?

7 A. Right.

8 Q. Do you recall if that Turkish company had
9 the name Coxin (phonetic)?

10 A. Yes, correct.

11 Q. Coxin is the name?

12 A. Yes.

13 Q. Okay. Do you recall the names of the
14 individuals that you worked with at Genoa?

15 A. Genoa, when you say "worked with" in --

16 Q. Whether you contacted them or they
17 contacted you?

18 A. Yes. One was Stylish (phonetic) in Genoa.
19 And Mr. Ahmet of Gama.

20 Q. Mr. Ahmet from Gama. And do you remember
21 the name of the individual at Coxin?

22 A. No. I'm not sure. But there were a
23 couple of e-mails we exchanged, so I could find them.

24 Q. When you discussed efforts to get paid
25 with these other vendors, was it your understanding

1 that any of them thought that Bright Pearl was the
2 entity that owed them money?

3 A. We didn't discuss Bright Pearl. We just
4 discussed Al-Morrell.

5 Q. You said earlier that Genoa and Gama were
6 parties to this litigation, correct?

7 A. Yes. Right.

8 Q. And you testified that they settled.

9 A. Right.

10 Q. Do you have any idea who initiated those
11 settlements?

12 A. I later found out that Ibrahim Najjar, who
13 was Al-Morrell's last representative in Kuwait, and he
14 was still in Kuwait, he was in touch with Anthony
15 Dsouza or Anthony Dsouza contacted him, I'm not sure
16 which way it was, and it was Ahmet of Gama who I think
17 asked Ibrahim to negotiate a settlement directly with
18 Paul.

19 Q. How did you find this out?

20 A. This was told to me by Ahmet, Mr. Ahmet of
21 Gama.

22 Q. Do you recall when that was?

23 A. This was when we were all three parties
24 together in litigation. And then one fine morning
25 there was an e-mail which Mr. Ahmet said that they were

1 going in for a settlement. And that's when I called
2 him up and I asked him that we are three parties
3 involved in this together, so why now did you take the
4 step and not informing us. And that's when he told me
5 that he took initiative on his own to contact Ibrahim,
6 and he asked Ibrahim to mediate a settlement directly
7 with Paul. And Ibrahim got in touch with Paul and came
8 up with a settlement which both Gama and Genoa
9 accepted.

10 Q. Did you ever talk to Ibrahim about this?

11 A. Yes, I did.

12 Q. Did he confirm --

13 A. He confirmed, and even asked me if he
14 wanted GFS -- he asked me whether he should contact
15 Anthony Dsouza to negotiate a settlement with GFS.

16 Q. Did he say to you anything about how often
17 he talks to Anthony Dsouza?

18 A. No.

19 Q. Did you ask him?

20 A. I didn't ask him that.

21 Q. Is it your understanding that he has the
22 ability to contact Anthony Dsouza pretty easily?

23 A. From what he -- if he was involved in the
24 settlement with Gama and Genoa, I presume that he had
25 contact with Paul.

1 Q. We talked a little bit about the documents
2 that have been produced in this case, and the answers
3 to the questions that have been given to Global
4 Freight. Have you been primarily responsible for
5 answering those questions and producing documents?

6 A. Yes.

7 Q. And do you feel like you have done your
8 very best to try to produce what has been requested?

9 A. I have, yes.

10 Q. Okay. One final question. In this
11 litigation, is Richard Altman and the law firm of
12 Jones, Waldo representing you in the dispute?

13 A. Right. Correct.

14 Q. Okay. That's all I have.

15

16 FURTHER EXAMINATION

17 BY MR. HANSEN:

18 Q. Just a few more follow-ups based on that.
19 Anthony, you stated that there was a contract between
20 AMD and the U.S. government --

21 A. Right.

22 Q. -- for the bottle water supplying services.

23 A. Yes.

24 Q. Why is it that you believe that the
25 contract was between AMD and the U.S. government for

1 bottled water?

2 A. All cargo shipped to Iraq had to go
3 through what was called a military supply route, or the
4 MSR. To use the MSR, as a subcontractor for
5 Al-Morrell, I needed Al-Morrell to provide me with a
6 legitimate contract number to use the military convoy
7 which would guarantee military support on the convoys.

8 So the process to -- for example, if
9 Al-Morrell had ten trucks to ship to Baghdad, there was
10 a convoy request with the local camp in Kuwait. I
11 would request the local camp in Kuwait that I have ten
12 trucks going for example to Baghdad, and they would
13 request me under which contract. And Al-Morrell
14 provided me a contract number and I would use that
15 contract number which Al-Morrell and the U.S.
16 government had for the local military base to give me
17 access to use that convoy system.

18 Q. Are you familiar with an entity by the
19 name of Oasis?

20 A. No. It came up from time to time, but Dan
21 Hobson would write in his e-mail Al-Morrell/Oasis.

22 Q. Okay. So you don't know much about Oasis
23 and its involvement in the bottled water manufacturing
24 process?

25 A. I got to know after Paul Morrell's

1 deposition.

2 Q. Okay. So is it possible that you were
3 using the contract number that Oasis had with the
4 United States government?

5 A. No. Because our manifest was all ongoing
6 under Al-Morrell's name. So I couldn't use a different
7 contact. The U.S. military would verify that. The
8 process was very stringent because you just can't send
9 trucks up to Iraq. They have to be cleaned, certified,
10 and scanned. So a manifest would specify Al-Morrell
11 and the contract number for which I was moving the
12 cargo.

13 Q. So if you've reviewed Paul Morrell's
14 deposition, you saw that he stated that the contract
15 was between Oasis and the United States government for
16 the bottled water manufacturing.

17 A. At some point of time, yes.

18 Q. And that Al-Morrell Development
19 essentially provided services to Oasis, basically the
20 equipment, the supplies to run the bottled water
21 manufacturing facility; that Oasis owned the contract.
22 Are you familiar with that testimony?

23 A. Yes.

24 Q. Do you have any reason or basis to dispute
25 that testimony with regard to Oasis having the contract

1 and AMD providing the assets to run the bottled water
2 manufacturing facility?

3 A. See, my primary objective was we signed a
4 contract with Al-Morrell. Al-Morrell gave us the
5 responsibility to ship his cargo to Iraq. During that
6 process, I requested Al-Morrell to give me a contract
7 number. This was because this was mandatory for the
8 U.S. military in Kuwait to move the cargo. Al-Morrell
9 gave me a contract number. It was not my business to
10 question whose contract number that was.

11 Q. So it's possible that contract number was
12 the contract number that belonged to Oasis?

13 A. I don't know that.

14 Q. Okay. Did you ever have -- did AMD always
15 pay its bill timely up through October 2011?

16 A. Yes, they did.

17 Q. You never had an issue receiving payment
18 from them before?

19 A. Normally what would happen is, like I
20 said, like I explained on the entire process once the
21 purchase order numbers would be given, we'd raise
22 invoices. The invoices would be sent to the home
23 office by Dan Hobson. And if there was a delay in
24 payment I would just give Dan a phone call and he would
25 press the home office to send through the wire. And

1 that's how it would work.

2 It's just that in March and April when the
3 amount crossed a larger figure and we started realizing
4 that there's something not right here, that's when all
5 the correspondence started. But as I testified
6 earlier, we always believed Al-Morrell to be an
7 American company, another American company who would
8 practice business ethics. And by the time we found
9 out, it was too late.

10 Q. But you acknowledge that you did -- that
11 Global Freight did receive some payments from
12 Al-Morrell Development for services rendered.

13 A. Yes. Yes, they did.

14 Q. Okay. Is it fair to say that most of the
15 communication that Global Freight had with AMD was with
16 AMD staff and employees located in Iraq or Kuwait?

17 A. Mostly Kuwait.

18 Q. Okay. Prior to the dispute over payment,
19 was there any communication between Global Freight and
20 Al-Morrell Development employees in the United States?

21 A. No. Before we -- before Corey Larson came
22 into the picture, there was another staff accountant
23 called Nick Phelps, if I'm right. And he was my point
24 of contact for corresponding regarding outstanding
25 payments. So at some point in time I didn't get a

1 response from Nick Phelps, and then I called up the
2 office in Utah from Kuwait, and Corey Larson picked up
3 the phone and he said that Nick Phelps is no longer
4 working and he would be the point of contact to follow
5 up on e-mails. So to answer your question, yes, it was
6 Nick Phelps who I corresponded with prior to that.

7 Q. But you only started communicating with
8 staff in Utah when the payment dispute began?

9 A. No. Even earlier.

10 Q. Okay. So I don't want to beat a dead
11 horse here, but I have to clear this up. You state
12 that Alan Morrell, Dan Hobson, and Ibrahim all said
13 that Anthony Dsouza would decide if the Global Freight
14 invoices are paid.

15 A. Yes.

16 Q. Is that accurate?

17 A. Yes, that's accurate.

18 Q. And now is Exhibit 24, is that the
19 communication you're relying on from Dan Hobson to say
20 that he -- that's his representation, that Paul would
21 decide if the invoice was paid or not? It's the one
22 right in front of you there, where he suggests that you
23 contact Anthony Dsouza or is it Bright Pearl?

24 A. Yes.

25 Q. Is that the communication you are relying

1 on from Alan Morrell?

2 A. Right.

3 Q. That Anthony Dsouza would decide if the
4 invoice was paid or not?

5 A. The company was called Al-Morrell, okay?
6 And during our interaction right from January 2011,
7 everybody spoke very highly of the owner of the
8 company, who was Anthony Dsouza. So in our view, he
9 was the ultimate decisionmaker who would decide whom we
10 had to pay. The only -- when Dan Hobson, in previous
11 e-mails to me, mentions home office and on the
12 telephone call I did ask him, "What do you mean by home
13 office," and he said Anthony Dsouza.

14 Q. So Dan told you that on the telephone?

15 A. Yes.

16 Q. But with regard to Alan Morrell, is the
17 only representation he made to you that Anthony Dsouza
18 would decide, contained in that e-mail?

19 A. Yes. Like I said earlier, it was the end
20 of July 2012 and Corey Larsen finally gives us Alan
21 Morrell's contact details for chasing the money. And
22 he said, "Those are the two individuals you need to
23 contact." And then that's when we went by the name
24 Alan Morrell and assumed that he was the brother or
25 somebody very close to Anthony Dsouza. And when we

1 started confronting him because we didn't have any
2 information how to contact Anthony Dsouza, that's when
3 he responded to us that he is not responsible, Anthony
4 Dsouza is.

5 Q. I need to clarify on that last question
6 when I referenced "that e-mail," it's Exhibit 24. With
7 regard to Ibrahim, when did he tell you it was Anthony
8 Dsouza who would decide if payment was made?

9 A. Specifically I will not be able to tell
10 you what date and time. But it was similar
11 conversations because he was the face of Al-Morrell in
12 Kuwait.

13 Q. And what specifically did he say to you?

14 A. He said that -- he would call him "Paul,"
15 by his first name. He would just say "Paul." And he
16 would just say, "I'll follow up with Paul. I'll follow
17 up with Paul."

18 Q. Okay. Do you know if he did follow up
19 with Paul?

20 A. Maybe. I'm not sure.

21 Q. Okay.

22 A. Didn't come back to me.

23 Q. Okay. Did Global Freight deliver the
24 bottled water that was manufactured by Oasis or AMD?
25 Was that part of the services provided?

1 A. No.

2 Q. You stated that in 2012 it was your belief
3 that AMD was still providing water to the U.S.
4 government.

5 A. Right.

6 Q. Or that water was still being provided to
7 the U.S. government. And you said it was still being
8 delivered to the U.S. Embassy or to the Army in
9 Baghdad, correct?

10 A. Right.

11 Q. How do you know it was still being
12 delivered there?

13 A. Because who else would they sell it to?
14 From what common knowledge or business knowledge we had
15 was that there were pockets in and around the camp
16 where the last forces were consolidating still,
17 including intelligence and other logistic support
18 services. And they still needed life support.

19 Q. Okay. But it wasn't Global Freight that
20 was delivering that water to the U.S. Embassy and the
21 Army?

22 A. No. Our contract was to just deliver the
23 raw material up to the plant.

24 Q. Okay. And so is Global Freight's
25 conclusion that AMD was still producing water for the

1 U.S. Army and the U.S. Embassy based on the fact or the
2 assumption that there was no one else to provide the
3 water to?

4 A. Yes.

5 Q. Okay. I don't have any other questions.

6 MS. WILDE: No questions. He'll read and
7 sign.

8 (The deposition concluded at 2:44 p.m.)
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Anthony Dsouza * September 23, 2015

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
 COUNTY OF SALT LAKE)

I, Diana Kent, Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

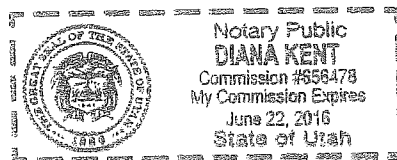
That prior to being examined, the witness, Anthony Dsouza, was by me duly sworn to tell the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in stenotype on September 23, 2015, at the place therein named, and was thereafter transcribed and that a true and correct transcription of said testimony is set forth in the preceding pages;

I further certify that, in accordance with Rule 30(e), a request having been made to review the transcript, a reading copy was sent to Attorney Jessica Wilde for the witness to read and sign, and the original transcript will be delivered to Attorney Christian Hansen for safekeeping.

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.

WITNESS MY HAND AND OFFICIAL SEAL this 5th day of October, 2015.



Diana Kent
 Diana Kent, CSR, RPR; CRR
 Notary Public
 Residing in Salt Lake County

Case: Global Freight v. Al-Morrell
Case No.: 1:14-CV-00133-TC
Reporter: Diana Kent
Date taken: September 23, 2015

WITNESS CERTIFICATE

I, ANTHONY DSOUZA, HEREBY DECLARE:

That I am the witness in the foregoing transcript; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony.

PAGE-LINE	CHANGE/CORRECTION	REASON
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No corrections were made.

I, ANTHONY DSOUZA, HEREBY DECLARE UNDER THE PENALTIES OF PERJURY OF THE LAWS OF THE UNITED STATES OF AMERICA AND THE LAWS OF THE STATE OF UTAH THAT THE FOREGOING IS TRUE AND CORRECT.

Anthony Dsouza

Date Signed